



Journal of the Senate

Number 20—Regular Session

Wednesday, April 27, 2005

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[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President Lee at 9:57 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Pastor Jim Schettler, Campus Church, Pensacola:

Oh, Mighty God, Creator and Sustainer of the beauties and wonders of this land that we call Florida, we acknowledge you as the King. Father, we acknowledge that your kingdom is from generation to generation. We are also thankful, Father, for the awesomeness of the creation you have given to us in Florida.

Father, we now humbly recognize our failures, our sins, and our inadequacies. We ask you for forgiveness and, Lord, we pray that you will give us strength to be stewards of the glorious wonders you have provided us as Floridians.

We beseech you, Father, to impart to this assembly today wisdom. Father, give these Senators courage, and integrity to resolve with justice the numerous legislative issues now before this Senate, especially in these next eight to ten days.

Now, Heavenly Father, we fervently implore you to bestow upon these legislators a heart to protect the innocent, and the courage, and strength to fight for your will to be done in Florida as it is in heaven. We pray these things in the name of your holy son. Amen.

PLEDGE

Senate Pages Crystal Nicole Handfield of Aventura; Caroline King of Ocala; Tyler "Alex" Gomez of Pembroke Pines; and Carey "Allie" Caldwell of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Timothy P. Laird of Melbourne, sponsored by Senator Posey, as doctor of the day. Dr. Laird specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Fasano—

By Senator Fasano—

SR 628—A resolution recognizing the career accomplishments of Dr. Robert W. (Bob) Judson, Jr.

WHEREAS, Dr. Robert W. (Bob) Judson, Jr., has spent 33 distinguished years at Pasco-Hernando Community College and is the last of the original employees who began on July 1, 1972, and

WHEREAS, Bob Judson has performed admirably in a variety of positions at Pasco-Hernando Community College culminating in his serving as the college's second president, beginning on July 1, 1994, and

WHEREAS, the college has grown according to the vision of Bob Judson, has thrived under this leadership, and today offers excellent instruction in both credit and noncredit programs at three campuses and a center and via distance-learning programs that serve the residents of Pasco and Hernando counties, and

WHEREAS, Bob Judson has inspired college faculty, staff, and administrators who have supported and implemented his vision of a comprehensive educational experience for students, including access to student activities, cultural events, and state-of-the-art technological and academic experiences, and

WHEREAS, Bob Judson has fostered strong ties among business and industry to meet the area's economic development needs, especially in the area of trained health care workers, and

WHEREAS, Bob Judson has advocated loudly and strongly for the value and the needs of Florida's Community College System and of Pasco-Hernando Community College, and

WHEREAS, Bob Judson has been a role model for other college presidents and has spoken tirelessly about the positive impact that education has in breaking cycles of poverty and unemployment, and

WHEREAS, Bob Judson retired January 31, 2005, which marked the end of 33 years of tireless service to the college and to the thousands of students who have attended Pasco-Hernando Community College, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Dr. Bob Judson is commended for his many years of outstanding leadership and service to Pasco-Hernando Community College and to the residents of Pasco and Hernando counties.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Judson as a tangible token of the esteem of the Florida Senate.

—**SR 628** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 1276—A resolution recognizing July 26, 2005, as Aunts and Uncles Day in honor of the important role aunts and uncles play in the lives of their nieces and nephews.

WHEREAS, aunts and uncles throughout the United States have the chance to influence the lives of their nieces and nephews in a way that few other adults can, and

WHEREAS, rich or poor, young or old, aunts and uncles can make holidays, family gatherings, and ordinary days special for their nieces and nephews by showering them with unconditional love and affection, and

WHEREAS, many times when a niece or nephew is especially close to an aunt or uncle, they become as dear to one another as siblings, and deep friendships are forged between the child and adult that last lifetimes, and

WHEREAS, when parents pass away or become otherwise unable to care for their children, it is often the children's aunts or uncles who become their main caregivers, providing the children with a support system in their greatest time of need, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes and honors the influence that aunts and uncles have on their nieces and nephews, and recognizes July 26, 2005, as Aunts and Uncles Day in the State of Florida.

—**SR 1276** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 1690—A resolution recognizing October 2005 as “Greyhound Adoption Month.”

WHEREAS, the Greyhound dog is one of the oldest currently existing breeds, and

WHEREAS, the Greyhound's origin is deeply rooted in ancient history, with dogs looking similar to today's Greyhound depicted more than 4,000 years ago on the walls of ancient Egyptian tombs, and

WHEREAS, the Arabs so admired the physical attributes and speed of the Greyhound that it was the only animal permitted to share their tents and ride atop their camels, and

WHEREAS, the Greyhound arrived in Europe 3,500 years ago, and in 1014 A.D., King Canute of England enacted the Forest Laws, which stated that only noblemen could own and hunt with Greyhounds, and

WHEREAS, Queen Elizabeth I abolished the Forest Laws in the 1500s and later initiated the first formal rules of “Greyhound coursing,” the pursuit of hares, and

WHEREAS, in the late 1800s, farmers imported Greyhounds to the United States to help control jackrabbit populations and, because of their speed and natural instincts, Greyhounds soon became the focus of popular neighborhood competitions – the first organized Greyhound racing events, and

WHEREAS, Greyhound racing as we know it today began in 1912 with Owen Patrick Smith's invention of a mechanical lure that could circle a track, with the first track opening in 1919 in Emeryville, California, and

WHEREAS, Greyhounds have an average life expectancy of 12 to 14 years but are retired from racing at between 2 and 5 years of age with many good years left to live, and

WHEREAS, there are numerous available Greyhounds waiting each year to be adopted when they are retired from racing, and

WHEREAS, the Greyhound's devotion to people is legendary, and retired Greyhounds seem especially loyal to their owners, thriving with the constant love and attention of a family of their own, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes October 2005 as “Greyhound Adoption Month.”

—**SR 1690** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2686—A resolution recognizing Dr. Albert E. Dotson and Dr. Earlene Dotson for their many accomplishments.

WHEREAS, on July 11, 1959, high-school sweethearts Albert E. Dotson and Earlene Puryear were married in Hamtramck, Michigan, and

WHEREAS, Albert's first job was at Sears Roebuck & Company in Detroit where he was employed in 1956 as a part-time stock boy, and

WHEREAS, on April 1, 1971, he became the first African-American to manage a Sears store, in Chicago, Illinois, and

WHEREAS, the Dotson family subsequently moved to Atlanta, Georgia, for 3 years and then relocated to Miami, where they still reside, and

WHEREAS, today, Dr. Dotson is chair and chief executive officer of Puryear, Inc., a consulting firm, and

WHEREAS, in addition to his vocational accomplishments, Dr. Dotson has since 1983 been a member of the Florida International University Foundation Board, and, in 1986, he was appointed by the Chancellor of the State University System to FIU's most recent presidential search committee, and

WHEREAS, Dr. Dotson also is a member of the Greater Miami Chamber of Commerce Board of Governors, sits on the boards of Barry University and the Dade County Fair and Expo, and served as president of the Orange Bowl Committee in 1998, and

WHEREAS, Dr. Dotson has played leadership roles with the NAACP, the Salvation Army, the Perrine Cutler Ridge Council, and the Baptist Health System of South Florida, and

WHEREAS, Mrs. Dotson is the president of Eagle Security Service, Inc. and Puryear, Inc., and

WHEREAS, after the Dotson's five children were grown, Mrs. Dotson returned to school and earned a Bachelor of Science degree in Human Resource Management and Biblical Studies from Trinity College, and

WHEREAS, Mrs. Dotson is a charter member and the founding president of the Greater Miami Chapter of the Continental Societies and was elected their national president in July 2001, and

WHEREAS, she is a deaconess at Sweet Home Baptist Church, where she coordinates sending mail to active-military church members and coteaches a married-couple's Sunday School class with her husband, and

WHEREAS, in December 1998, Barry University bestowed doctoral degrees upon both Dr. Albert and Dr. Earlene Dotson, in honor of their distinguished community service and involvement, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Dr. Albert E. Dotson and Dr. Earlene Puryear Dotson are commended for their outstanding accomplishments in business, in the Miami-Dade community, and in their family life.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Drs. Albert E. and Earlene Dotson as a tangible token of the sentiments of the Florida Senate.

—**SR 2686** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2730—A resolution recognizing the accomplishments of Robert L. Epling.

WHEREAS, Robert L. Epling, President and CEO of Community Bank of Florida since 1977, is one of South Florida's most distinguished business and civic leaders, and

WHEREAS, Mr. Epling was the 55th President of the Orange Bowl Committee, served as the leader of the 1993-1994 Festival, and was Chair of the 1996 South Florida Olympic Soccer Organizing Committee, and

WHEREAS, Robert Epling provides leadership and energy to a wide variety of community support organizations, serving on the executive board of the South Florida Council of Boy Scouts of America and as a member of the Homestead Rotary Club, and

WHEREAS, he is also Chair of the Board of the International Hurricane Center, and spent countless hours helping to rebuild the devastated community of Homestead following Hurricane Andrew, and

WHEREAS, in addition, Robert Epling serves on the Board of AvMed, Inc., is the Founding Chair of the Vision Council, served as Chair of Beacon Council, Dade's official economic development agency, and currently serves on additional boards and foundations, and

WHEREAS, in his role as a financial leader, Mr. Epling has served as the president of banks in Lexington, Kentucky, and Dania and Marathon in Florida, and spent 3 years as an assistant bank examiner for the Federal Deposit Insurance Corporation (FDIC) in Washington, D.C., and

WHEREAS, Robert Epling was president of the Community Bankers/Florida Bankers Association from 1988 to 1990, received the Community Bankers of Florida's "Banker of the Year" award in 1993, was honored with a University Distinguished Service Award from Florida International University in 1999, and was presented with the Florida Bankers Association "Legends Award" in 2003, and

WHEREAS, in addition to his business and community leadership work, Robert Epling has also been an agricultural leader and grower of limes for more than 25 years, and he is on the Board of the Dade County Farm Bureau, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate commends the many professional and community service accomplishments of Robert L. Epling and recognizes the many ways in which his leadership and activism have benefitted the State of Florida.

—**SR 2730** was introduced, read and adopted by publication.

At the request of Senator Dockery—

By Senator Dockery—

SR 2756—A resolution recognizing November 2005 as "Lung Cancer Awareness Month."

WHEREAS, lung cancer is the leading cause of cancer death in the state of Florida, and

WHEREAS, nearly 12,440 Floridians will die from lung cancer in 2005 and more than 13,130 Floridians will be diagnosed with the disease, and

WHEREAS, cigarette smoking and other tobacco use is the leading cause of lung cancer, with more than 87 percent of all lung cancer attributed to smoking tobacco products, and

WHEREAS, early detection of lung cancer is very difficult, costly, and has not yet been proven to improve survival rates, and

WHEREAS, the 5-year survival rate for lung cancer is only 15 percent, and

WHEREAS, smoking-related diseases, such as lung cancer, cost Florida nearly \$6 billion in directly related health costs and another \$5.86 billion in smoking-caused productivity losses, and

WHEREAS, the best-known way to prevent lung cancer, the premature deaths associated with lung cancer, and the costs related to this disease is to prevent youth from starting to use tobacco and helping current smokers to quit, and

WHEREAS, the American Cancer Society, in partnership with the Florida Department of Health, helps adult and youth smokers stop smoking through the proven cessation support of the toll-free Quit-For-Life-Line, 1-877-U-CAN-NOW, and

WHEREAS, the Florida Division of the American Cancer Society is committed to preventing youth use and addiction to tobacco through all scientifically proven methods, including the measures detailed in the Centers for Disease Control and Prevention's recommendations for a fully comprehensive statewide youth tobacco-prevention and cessation program, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the month of November 2005 as "Lung Cancer Awareness Month" in Florida and urges all Floridians to understand the risks associated with lung cancer, to take preventive steps to minimize those risks, and to join the American Cancer Society in promoting better health and lung-cancer prevention through the cessation of current smoking and prevention of future tobacco use.

—**SR 2756** was introduced, read and adopted by publication.

BILLS ON THIRD READING

HB 77—A bill to be entitled An act relating to waste-to-energy facilities; amending s. 403.7061, F.S.; revising a permit or certification requirement for a waste-to-energy facility; providing an effective date.

—as amended April 13 was read the third time by title.

On motion by Senator Bennett, **HB 77** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Consideration of **CS for SB 718** was deferred.

CS for CS for SB 334—A bill to be entitled An act relating to public housing; amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to waive annual recertification under certain condi-

tions; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 334** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Consideration of **SB 574** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 727** was withdrawn from the Committees on Environmental Preservation; and Government Efficiency Appropriations.

On motion by Senator Atwater, by two-thirds vote—

HB 727—A bill to be entitled An act relating to water management district planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2462** and read the second time by title. On motion by Senator Atwater, by two-

thirds vote **HB 727** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Rich, by two-thirds vote **HB 569** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Rich, by two-thirds vote—

HB 569—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing a time period for the validity of an application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1324** as amended and read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 569** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; requiring the commission to present a formula to the Legislative Budget Commission for allocating the Medicaid nonemergency transportation funds the commission anticipates receiving from the Agency for Health Care Administration; requiring the commission to document the amount of the

funding expected to be allocated to each county; prohibiting any reduction in allocation to a county unless the General Appropriations Act reduces the amount allocated to the commission; amending s. 427.013, F.S.; requiring the commission to develop a Medicaid allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; providing for the methodology to develop the formula; providing an effective date.

—as amended April 21 was read the third time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (120916)(with title amendment)—On page 7, line 27 through page 9, line 12, delete those lines and insert: department.

(13)(a) *No later than 30 days after the Governor issues his executive budget recommendations, the commission shall present to the Legislative Budget Commission a proposed formula for allocating the transportation funds that the commission anticipates receiving from the General Appropriations Act for the next fiscal year. The document must specifically detail the amount of funding expected to be allocated to each county for transportation disadvantaged services. The Legislative Budget Commission shall approve, reject, or request modifications to the formula no later than 60 days after receiving the proposed funding allocation formula.*

(b) *Upon the General Appropriations Act becoming law, the commission shall present to the Legislative Budget Commission the county distribution schedule which is the approved allocation formula applied to the funds allocated to the commission.*

(c) *The commission may not change the transportation disadvantaged distribution schedule without the permission of the Legislative Budget Commission, except in the case of a disaster as defined in chapter 252.*

Section 2. Subsection (12) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(12)(a) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(b) *Develop an allocation methodology or formula that equitably distributes the funds under the control of the commission to compensate counties, community transportation coordinators, or other entities providing transportation disadvantaged services. The formula shall take into account not only the actual costs of each transportation disadvantaged trip but also those efficiencies that a provider might adopt to reduce costs.*

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: requiring the commission to present a proposed funding distribution formula to the Legislative Budget Commission for allocating transportation disadvantaged funds the commission anticipates receiving from the General Appropriations Act; authorizing the Legislative Budget Commission to approve,

reject, or modify the proposed allocation formula; requiring the commission to detail the expected allocation of funding to each county; prohibiting the commission from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster; amending s. 427.013, F.S.; requiring the commission to develop an allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services;

On motion by Senator Constantine, **CS for CS for SB 1168** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1861—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 411.011, F.S., which provides a public records exemption for specified records of children enrolled in school readiness programs; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; making editorial changes; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1861** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1908—A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of

petitions; requiring the issuance of written findings of fact and legal conclusions; providing for confidential and closed hearings; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing an effective date.

—as amended April 21 was read the third time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 1908** to **HB 1659**.

Pending further consideration of **CS for SB 1908** as amended, on motion by Senator Dockery, by two-thirds vote **HB 1659** was withdrawn from the Committees on Health Care; and Judiciary.

On motion by Senator Dockery, the rules were waived and by two-thirds vote—

HB 1659—A bill to be entitled A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01115, F.S.; providing a popular name; providing definitions; providing that actual notice shall be given by the physician who will perform the termination of pregnancy procedure; providing for written notice in certain circumstances; specifying information required to be included in notices; providing circumstances in which prior notice is not required; providing that violation of the notice requirements by physicians shall be considered medical malpractice; providing procedures for judicial waiver of notice; providing circumstances under which certain circuit courts may grant a petition for a judicial waiver of notice; providing for the appointment of a guardian ad litem and counsel; providing time requirements for court proceedings; requiring written transcripts of certain proceedings; providing for confidentiality; providing for the availability of an appeal under certain circumstances; waiving filing fees and court costs for certain minors; relieving counties of certain counsel costs; requiring the Supreme Court to ensure certain proceedings are conducted expeditiously and lawfully; providing an effective date.

—a companion measure, was substituted for **CS for SB 1908** as amended and read the second time by title, and by two-thirds vote read the third time by title.

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (245870)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 390.01115, Florida Statutes, is repealed.*

Section 2. *Section 390.01114, Florida Statutes, is created to read:*

390.01114 Parental Notice of Abortion Act.—

(1) **SHORT TITLE.**—*This section may be cited as the “Parental Notice of Abortion Act.”*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) *“Actual notice” means notice that is given directly, in person, or by telephone.*

(b) *“Child abuse” has the meaning ascribed in s. 39.0015(3).*

(c) *“Constructive notice” means notice that is given by certified mail to the last known address of the parent or legal guardian of a minor, with delivery deemed to have occurred 48 hours after the certified notice is mailed.*

(d) *“Medical emergency” means a condition that, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay in the termina-*

tion of her pregnancy will create serious risk of substantial and irreversible impairment of a major bodily function.

(e) *“Sexual abuse” has the meaning ascribed in s. 39.01.*

(f) *“Minor” means a person under the age of 18 years.*

(3) **NOTIFICATION REQUIRED.**—

(a) *A termination of pregnancy may not be performed or induced upon a minor unless the physician performing or inducing the termination of pregnancy has given at least 48 hours' actual notice to one parent or to the legal guardian of the pregnant minor of his or her intention to perform or induce the termination of pregnancy. The notice may be given by a referring physician. The physician who performs the termination of pregnancy must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort has been made, the physician performing or inducing the termination of pregnancy or the referring physician must give 48 hours' constructive notice.*

(b) *Notice is not required if:*

1. *In the physician's good-faith clinical judgment, a medical emergency exists and there is insufficient time for the attending physician to comply with the notification requirements. If a medical emergency exists, the physician may proceed but must document reasons for the medical necessity in the patient's medical records;*

2. *Notice is waived in writing by the person who is entitled to notice;*

3. *Notice is waived by the minor who is or has been married or has had the disability of nonage removed under s. 743.015 or a similar statute of another state;*

4. *Notice is waived by the patient because the patient has a minor child dependent on her; or*

5. *Notice is waived under subsection (4).*

(c) *Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.*

(4) **PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.**—

(a) *A minor may petition any circuit court for a waiver of the notice requirements of subsection (3) and may participate in proceedings on her own behalf. The petition may be filed under a pseudonym or through the use of initials, as provided by court rule. The petition must include a statement that the petitioner is pregnant and notice has not been waived. The court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request at no cost to the minor.*

(b) *Court proceedings under this subsection must be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly. The court shall rule, and issue written findings of fact and conclusions of law, within 48 hours after the petition is filed, except that the 48-hour limitation may be extended at the request of the minor. If the court fails to rule within the 48-hour period and an extension has not been requested, the petition is granted, and the notice requirement is waived.*

(c) *If the court finds, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. If the court does not make the finding specified in this paragraph or paragraph (d), it must dismiss the petition.*

(d) *If the court finds, by a preponderance of the evidence, that there is evidence of child abuse or sexual abuse of the petitioner by one or both of her parents or her guardian, or that the notification of a parent or guardian is not in the best interest of the petitioner, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. If the court finds evidence of child abuse or sexual abuse of the minor petitioner by any person, the court shall report the evidence of child abuse or sexual abuse of the petitioner, as provided in s. 39.201. If*

the court does not make the finding specified in this paragraph or paragraph (c), it must dismiss the petition.

(e) *A court that conducts proceedings under this section shall provide for a written transcript of all testimony and proceedings and issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record be maintained, as required under s. 390.01116. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor, and all other relevant evidence. All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule.*

(f) *An expedited appeal shall be available, as the Supreme Court provides by rule, to any minor to whom the circuit court denies a waiver of notice. An order authorizing a termination of pregnancy without notice is not subject to appeal.*

(g) *No filing fees or court costs shall be required of any pregnant minor who petitions a court for a waiver of parental notification under this subsection at either the trial or the appellate level.*

(h) *No county shall be obligated to pay the salaries, costs, or expenses of any counsel appointed by the court under this subsection.*

(5) **PROCEEDINGS.**—*The Supreme Court is requested to adopt rules and forms for petitions to ensure that proceedings under subsection (4) are handled expeditiously and in a manner that will satisfy the requirements of state and federal courts. The Supreme Court is also requested to adopt rules to ensure that the hearings protect the minor's confidentiality and the confidentiality of the proceedings. All procedures in this section shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.*

(6) **REPORT.**—*The Supreme Court, through the Office of the State Courts Administrator, shall report by February 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the number of petitions filed under subsection (4) for the preceding year, and the timing and manner of disposal of such petitions by each circuit court.*

Section 3. This act shall take effect upon the adoption of rules and forms by the Supreme Court, but no later than July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for confidential and closed hearings; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing a contingent effective date.

On motion by Senator Dockery, further consideration of **HB 1659** as amended was deferred.

CS for SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending s. 607.1301, F.S.; redefining the term "fair value" to clarify existing law regarding the rights of minority shareholders; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.4359, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions;

providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member's acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending s. 617.0302, F.S., to conform; amending s. 617.0505, F.S.; exempting certain private clubs organized as corporations from a prohibition against distributions made to members in certain circumstances; creating s. 617.1108, F.S.; providing that certain statutory provisions related to mergers of corporations apply to not-for-profit corporations; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Partnership Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose, and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a

power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for transfers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name; providing for revocation of a certificate of authority for foreign limited partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership

with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain required filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; amending s. 607.11101, F.S.; deleting the requirement that a certified copy of the articles of merger be recorded; conforming cross-references; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 607.0129 and 617.0129, F.S., relating to signing a false document; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 620.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; amending s. 817.155, F.S.; providing that a person making a false or fraudulent statement to the Department of State commits a felony of the third degree; providing effective dates.

—as amended April 21 was read the third time by title.

Senator Klein moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (465332)—On page 20, line 31, after “minority” insert: *status*

Senator Klein moved the following amendment:

Amendment 2 (313376)(with title amendment)—On page 21, lines 1-16, delete those lines and insert:

Section 2. Subsection (1) of section 607.1302, Florida Statutes, is amended to read:

607.1302 Right of shareholders to appraisal.—

(1) A shareholder of a domestic corporation is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder's shares, in the event of any of the following corporate actions:

(a) Consummation of a conversion of such corporation pursuant to s. 607.1112 if shareholder approval is required for the conversion and the shareholder is entitled to vote on the conversion under ss. 607.1103 and 607.1112(6), or the consummation of a merger to which such the corporation is a party if shareholder approval is required for the merger under ss. 607.1103 and the shareholder is entitled to vote on the merger or if such the corporation is a subsidiary and the merger is governed by s. 607.1104;

(b) Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be acquired if the shareholder is entitled to vote on the exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;

(c) Consummation of a disposition of assets pursuant to s. 607.1202 if the shareholder is entitled to vote on the disposition, including a sale in dissolution but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within 1 year after the date of sale;

(d) *An amendment of the articles of incorporation with respect to the class or series of shares which reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created;*

(e)(4) Any other amendment to the articles of incorporation, merger, share exchange, or disposition of assets to the extent provided by the articles of incorporation, bylaws, or a resolution of the board of directors, except that no bylaw or board resolution providing for appraisal rights may be amended or otherwise altered except by shareholder approval; or

(f)(e) With regard to a class of shares prescribed in the articles of incorporation prior to October 1, 2003, including any shares within that class subsequently authorized by amendment, any amendment of the articles of incorporation if the shareholder is entitled to vote on the amendment and if such amendment would adversely affect such shareholder by:

1. Altering or abolishing any preemptive rights attached to any of his or her shares;

2. Altering or abolishing the voting rights pertaining to any of his or her shares, except as such rights may be affected by the voting rights of new shares then being authorized of any existing or new class or series of shares;

3. Effecting an exchange, cancellation, or reclassification of any of his or her shares, when such exchange, cancellation, or reclassification would alter or abolish the shareholder's voting rights or alter his or her percentage of equity in the corporation, or effecting a reduction or cancellation of accrued dividends or other arrearages in respect to such shares;

4. Reducing the stated redemption price of any of the shareholder's redeemable shares, altering or abolishing any provision relating to any sinking fund for the redemption or purchase of any of his or her shares, or making any of his or her shares subject to redemption when they are not otherwise redeemable;

5. Making noncumulative, in whole or in part, dividends of any of the shareholder's preferred shares which had theretofore been cumulative;

6. Reducing the stated dividend preference of any of the shareholder's preferred shares; or

7. Reducing any stated preferential amount payable on any of the shareholder's preferred shares upon voluntary or involuntary liquidation.

And the title is amended as follows:

On page 1, line 16, following the first semicolon (;) insert: amending s. 607.1302, F.S.; providing additional ground for exercise of appraisal rights;

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (740828)—In title, on page 4, lines 6 and 7, delete those lines and insert: amending s. 607.1302, F.S.; clarifying ground for exercise of appraisal

Amendment 2 as amended was adopted by two-thirds vote.

On motion by Senator Klein, further consideration of **CS for SB 1056** as amended was deferred.

On motion by Senator Baker, by two-thirds vote **HB 623** was withdrawn from the Committee on Transportation.

On motion by Senator Baker, by two-thirds vote—

HB 623—A bill to be entitled An act relating to former military vehicles; amending s. 316.2952, F.S.; defining “former military vehicle”; exempting such vehicles from certain windshield requirements; requiring eye-protective devices while such vehicle is in operation; providing penalties for violation; amending s. 316.605, F.S.; exempting certain former military vehicles from license plate display requirements; amending s. 320.086, F.S.; providing for issuance of special license plates for certain former military vehicles; exempting certain former military vehicles from license plate display requirements; requiring the plate and registration certificate to be in the vehicle and available for inspection; defining “former military vehicle”; providing an effective date.

—a companion measure, was substituted for **SB 1240** and read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 623** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Alexander

CS for SB 864—A bill to be entitled An act relating to motor vehicle repair shops; providing a short title; amending s. 559.904, F.S.; requiring applicants for registration to furnish proof of certain liability insurance; providing that failure to maintain such insurance is grounds for denial, revocation, or refusal to renew a registration; amending s. 559.921, F.S.; providing that a violation of the requirement to maintain liability insurance is a criminal violation; providing for administrative fines and criminal penalties; providing an effective date.

—as amended April 21 was read the third time by title.

On motion by Senator Fasano, **CS for SB 864** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Sebesta

Nay—Baker

CS for SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; providing for equal contact in custody determinations in certain circumstances; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

—as amended April 21 was read the third time by title.

On motion by Senator Lynn, **CS for SB 348** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Saunders—

CS for CS for SB 202—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual

community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 202** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 550—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term “ex-service member” for purposes of ch. 196, F.S.; amending s. 196.24, F.S.; revising the qualifications for the exemption; entitling the surviving spouse of a disabled ex-service member to an exemption from property taxation for the value of certain property under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 550** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 775** was withdrawn from the Committees on Children and Families; Judiciary; and General Government Appropriations.

On motion by Senator Campbell—

HB 775—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.; providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers’ compensation settlements; providing for amendment of the allocation of support recovery within the settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2558, F.S.; providing a procedure for redirecting payments to the person with whom a child resides under certain circumstances; providing for notice and hearing; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

—a companion measure, was substituted for **CS for SB 1262** and read the second time by title.

Pursuant to Rule 4.19, **HB 775** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1884—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for a civil penalty, costs, and attor-

ney's fees against an employer, union, or plan administrator for failing to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; amending s. 61.1301, F.S.; requiring the repayment of a support delinquency through an additional income deduction; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; requiring the Department of Revenue to provide payors with Internet access to income deduction and national medical support notices issued on or after a specified date; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring the Department of Revenue to report to consumer reporting agencies the amount of overdue support owed by an obligor and the amount of the obligor's support obligation when the overdue support is paid; amending s. 61.14, F.S.; authorizing a circuit court to order an obligor to seek employment, engage in employment activities, and to inform the court and the Department of Revenue of the employment activities; providing that an obligor may be in contempt of court for failing to comply with work-related activities; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of Judges of Compensation Claims to adopt procedural rules; requiring local depositories to provide the Department of Revenue with certain information each month using electronic means; amending s. 61.1814, F.S.; providing that certain specified fines be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.1824, F.S.; requiring the State Disbursement Unit, to the extent feasible, to provide for electronic disbursement of support payments to obligees; requiring certain employers to electronically remit support payments to the State Disbursement Unit by a specified date; authorizing the department to issue waivers; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; adding a cross-reference; amending s. 322.142, F.S.; authorizing the Department of Revenue to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the circuit court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the circuit court; amending s. 382.016, F.S.; providing for the Department of Health not to seal birth certificates and related papers when a father is listed under an acknowledgment of paternity; requiring the Department of Health to amend the birth certificate of a child born in this state but whose paternity is established in another state; providing for an exception; requiring the Department of Revenue to develop written educational materials concerning the establishment of paternity for use and distribution by certain specified departments; requiring the Department of Revenue and other specified organizations to study the feasibility and report on the filing of birth certificates and other documents by electronic means with the Department of Health; amending s. 395.003, F.S.; requiring a hospital that provides birthing services to affirm as part of its application for a new, provisional, or renewal license that the hospital will comply with assisting unmarried parents who request assistance in executing a voluntary acknowledgment of paternity; prohibiting sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S., relating to notice concerning the acknowledgement of paternity; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable Internet database using appropriate privacy safeguards; creating s. 409.256, F.S.; defining terms relating to administrative procedures to establish paternity and support orders; authorizing the Department of Revenue to establish administrative procedures to determine paternity using the results of genetic testing; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding to establish a child support order; providing for administrative orders to order

a person to appear for genetic testing; providing for the right to contest the order to appear; providing for the scheduling of genetic testing and for the rescheduling of the test for a claim of good cause; providing specified sanctions for failing or refusing to submit to genetic testing; providing for a presumption of paternity based on genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for administrative hearings to be conducted by the Division of Administrative Hearings; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court; requiring a respondent to notify the Department of Revenue of changes of address; providing that subsequent notice by mail is deemed to have been received; providing that the administrative procedures are a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support is incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined by administrative procedures; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine in Title IV-D cases the amount owed by an obligor for noncovered medical expenses; defining the term "noncovered medical expenses"; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; requiring the obligee to prepare a written declaration under penalty of perjury documenting the claim; requiring the Department of Revenue to provide specified information in the notice to proceed; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for the collection of support; providing that the administrative procedure is a supplemental remedy; providing for the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; requiring that the amount of retroactive support permanently assigned to the state be reduced by a specified percentage when the obligor and the department agree to a support order; amending s. 409.25645, F.S.; requiring a correctional facility to assist a putative father to comply with an administrative order for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; requiring the Department of Revenue to waive the federal application fee and pay the fee for certain applicants; providing for the Department of Revenue to seek a federal waiver from the requirement that an individual apply for Title IV-D services; providing for the department to adopt rules if a waiver is granted and begin providing Title IV-D services if support payments are not paid as ordered unless the individual elects not to receive services after notice; amending s. 409.259, F.S.; requesting certain public officials and agencies to work cooperatively to implement electronic filing of pleadings and other documents by a specified date; amending s. 409.2598, F.S.; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail and an opportunity to contest the suspension of the license in circuit court; providing grounds for contesting the proposed suspension; providing for a stay of the suspension proceedings under certain circumstances; providing for a written agreement with the Department of Revenue to avoid suspension of the license; requiring the Department of Revenue to issue a reinstatement notice if the obligor complies with the support order; providing for the suspension of the license under certain circumstances; providing for reinstatement of the license of the obligor after receiving a court order; authorizing the use of the license-suspension proceedings to enforce subpoenas, orders to appear, or similar orders; providing for a combined proceeding to suspend an occupational license and a driver's license; authorizing the Department of Revenue to adopt rules; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida Kidcare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; authorizing a court to order a noncustodial parent who is delinquent under the terms of a support order to participate in work activities; amending s. 443.051, F.S.; defining the terms "support obligations" and "support order"; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of the unemployment compensation otherwise payable to an individual; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; providing that the Agency for Workforce Innovation deduct and withhold support according to the terms of the support order as disclosed by the Department of Revenue; amending s. 455.203, F.S.; deleting provisions requiring the Department of Business and Professional Regula-

tion to screen license applicants for compliance with support obligations; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue, the adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; requiring that DNA testing be conducted only with the informed consent of the person tested, with the exception of genetic testing in paternity cases; authorizing disclosure of test results for genetic testing in paternity cases; amending s. 827.06, F.S.; deleting provisions that require exhaustion of civil remedies and other provisions relating to the criminal prosecution for nonsupport; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in appropriate cases; requiring the collaborating group to file a joint report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; reenacting s. 61.30(8), F.S., relating to health insurance costs in the child support guidelines, to incorporate the amendment made to s. 61.13, F.S., in a reference thereto; amending s. 61.14, F.S.; correcting a cross-reference; amending s. 61.30, F.S.; correcting a cross-reference; repealing ss. 61.13(1)(e) and 409.2564(7), F.S., relating to a judicial circuit with a work experience and job training pilot project; providing effective dates.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (430202)—On page 40, lines 16-18, delete those lines and insert: *obligors, and depository account numbers on the Internet in compliance with the requirements of s. 119.01(2)(a).*

Pursuant to Rule 4.19, **CS for SB 1884** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term “negotiate”; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1784** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (690812)—On page 4, line 13, delete “department” and insert: *Office of Tourism, Trade, and Economic Development*

Amendment 2 (292742)(with title amendment)—On page 6, between lines 24 and 25, insert:

Section 3. Section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

- (1) “Account” means the account established pursuant to s. 331.415.
- (2) “Aerospace” means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space and defense facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.
- (3) “Authority” means the Florida Space Authority created by s. 331.302.
- (4) “Board” means the governing body of the corporation.
- (5) “Corporation” means the Florida Aerospace Finance Corporation.
- (6) “Domiciled in this state” means registered to do business in Florida.
- (7) “Financial institution” has the same meaning as in s. 655.005(1)(h).
- (8) “Financing agreement” has the same meaning as in s. 331.303(10).
- (9) “Member” means an individual appointed to be a member of the board.
- (10) “President” means the chief executive officer of the corporation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the second semicolon (;) insert: amending s. 331.405, F.S.; amending a definition;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1026** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 577** was withdrawn from the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

On motion by Senator Crist—

HB 577—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state’s withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; repealing ss. 985.503,

985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing for the future legislative review and repeal of ss. 985.502 and 985.5025, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 274** and read the second time by title.

Pursuant to Rule 4.19, **HB 577** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain non-emergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers under provisions for the wireless E911 monthly fee; revising timeframe to reduce the amount of the fee or for reallocation of moneys collected for the fee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; authorizing local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (373134)—On page 23, line 6, delete “review which” and insert: *review, which*

Pursuant to Rule 4.19, **CS for CS for SB 620** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

SB 1360—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; defining “neglect” to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing that the Department of Children and Family Services may petition the court for an order authorizing the provision of protective services for a vulnerable adult in need of services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1360** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peadar—

CS for CS for SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term “pedigree paper”; amending s. 499.012, F.S.; providing an exemption from wholesale distribution for the transfer of prescription drugs due to a change in the ownership of a pharmacy; amending s. 499.0121, F.S.; abrogating the expiration of recordkeeping provisions for pedigree papers which relate to chain drug entities that are part of an affiliated group; prohibiting the Agency for Health Care Administration from reviewing or using certain violations relating to recordkeeping for prescription drugs to deny or withhold Medicaid payments to pharmacies or to audit the records of such pharmacies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 874** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB's 1872 and 2378—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing use of funds in the Biomedical Research Trust Fund administered by the Department of Health for the purposes of the Florida Center for Universal Research to Eradicate Disease; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research and Alzheimer's disease research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; amending s. 1004.445, F.S.; renaming the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute as the “Ronald Reagan Alzheimer's Center and Research Institute”; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment:

Amendment 1 (393104)(with title amendment)—On page 2, line 15 through page 20, line 9, delete those lines and insert:

Section 2. Subsection (1) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a)1. Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

2. Beginning July 1, 2004, there is annually distributed \$15 million to the Grants and Donations Trust Fund within the Department of Elderly Affairs, and these funds are annually appropriated to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established in s. 430.502.

3. Beginning July 1, 2004, there is annually distributed \$6 million to the Biomedical Research Trust Fund within the Department of Health, and these funds are annually appropriated to the James and Esther King Biomedical Research Program. From these funds, up to

~~\$250,000 shall be available annually for the operating costs of the Florida Center for Universal Research to Eradicate Disease.~~

~~4. Beginning July 1, 2004, there is annually distributed \$9 million to be paid by warrant drawn by the Chief Financial Officer upon the State Treasury to Florida State University for the School of Chiropractic Medicine. Notwithstanding the provisions of chapter 216, until the School of Chiropractic Medicine is completely staffed and fully operational, these funds may be used for any purpose by the university.~~

(b) The remainder of collection shall be credited to the General Revenue Fund.

Section 3. Section 381.855, Florida Statutes, is amended to read:

381.855 Florida Center for Universal Research to Eradicate Disease.—

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to s. 288.108, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.

(2) It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.

(3) There is established within the Department of Health the Florida Center for Universal Research to Eradicate Disease, which shall be known as "CURED."

(a) The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, *provide grants for cancer research and Alzheimer's disease research*, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use.

(b) The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, autoimmune disorders, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

(c) The center shall hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures. Summit attendees shall cover the costs of such attendance or obtain sponsorship for such attendance.

(d) The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells, placentas, or cord blood.

(e) The center shall facilitate the formation of partnerships between researchers in this state and institutions in other states and countries where research with rare plants or animals could lead to cures.

(f) The center shall encourage agricultural colleges and agricultural businesses in this state to be active in the search for cures and in providing information to the public about disease prevention.

(g) The center shall facilitate partnerships among researchers working to cure all types of diseases, including those that are prevalent in developed countries and those that occur mainly in developing countries.

(h) The center shall also encourage the discovery and production in Florida of vaccines that prevent disease.

(i) The center shall monitor the supply and demand needs of researchers relating to stem cell research and other types of human tissue research. If the center determines that there is a need for increased donation of human tissue, it shall notify hospitals licensed pursuant to chapter 395 which have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers demanding the stem cells or other tissues. Such hospitals shall implement programs that encourage voluntary donations of cord blood or other needed adult tissue.

(j) The center shall be funded through private, state, and federal sources.

(k) The center shall serve as a registry of all known opportunities for biomedical grants ~~and may assist any public or private biomedical research program in this state in preparing grant requests.~~

(l) The center shall provide grants for cancer research and Alzheimer's disease research to further the search for cures for those diseases.

(m)(4) The center shall maintain a website with links to peer-reviewed biomedical research. The website shall also contain a list of all known biomedical research being conducted in Florida and shall facilitate communication among researchers and other interested parties.

(n)(m) The center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in this state.

(4) The Department of Health may outsource the duties of the center to a private entity or state university.

(5) There is established within the center an advisory council that shall meet at least annually.

(a) The council shall consist of ~~the members of the board of directors of the Florida Research Consortium~~ and at least one representative from:

1. The Emerging Technology Commission.
2. Enterprise Florida, Inc.
3. BioFlorida.
4. The Biomedical Research Advisory Council.
5. The Florida Medical Foundation.
6. Pharmaceutical Research and Manufacturers of America.
7. The Florida Tri-Agency Coalition on Smoking OR Health.
8. The Florida Cancer Council.
9. The American Cancer Society, Florida Division, Inc.
10. The American Heart Association.
11. The American Lung Association of Florida.
12. The American Diabetes Association, South Coastal Region.
13. The Alzheimer's Association.
14. The Epilepsy Foundation.
15. The National Parkinson Foundation.
16. The Florida Public Health Foundation, Inc.
17. Scripps Florida or the entity formed in this state by The Scripps Research Institute.

18. *The Florida Research Consortium.*

(b) Members of the council shall serve without compensation, and each organization represented shall cover all expenses of its representative.

(6)(a) *Applications for cancer research funding may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding. Grants shall be awarded by the Secretary of Health, after consultation with the council, on the basis of scientific merit, as determined by an open, competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:*

1. *Investigator-initiated research grants.*
2. *Institutional research grants.*

(b) *To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.*

(c) *The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.*

(7) *The Legislature shall annually appropriate funds for research grants and for operating costs to the Florida Center for Universal Research to Eradicate Disease in the General Appropriations Act.*

Section 4. Section 381.921, Florida Statutes, is amended to read:

381.921 Florida Cancer Council mission and duties.—The council, which shall work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced, shall endeavor to dramatically improve cancer research and treatment in this state through:

(1) Efforts to significantly expand cancer research capacity in the state by:

(a) Identifying ways to attract new research talent and attendant national grant-producing researchers to ~~Florida-based~~ cancer research facilities *in this state*;

(b) Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in this state;

(c) Funding through available resources for those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;

(d) Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines, to facilitate the full spectrum of cancer investigations;

(e) Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and

(f) Aiding in other multidisciplinary research-support activities as they inure to the advancement of cancer research.

(2) Efforts to improve both research and treatment through greater participation in clinical trials networks by:

(a) Identifying ways to increase adult enrollment in cancer clinical trials;

(b) Supporting public and private professional education programs designed to increase the awareness and knowledge about cancer clinical trials;

(c) Providing tools to cancer patients and community-based oncologists to aid in the identification of cancer clinical trials available in the state; and

(d) Creating opportunities for the state's academic cancer centers to collaborate with community-based oncologists in cancer clinical trials networks.

(3) Efforts to reduce the impact of cancer on disparate groups by:

(a) Identifying those cancers that disproportionately impact certain demographic groups; and

(b) Building collaborations designed to reduce health disparities as they relate to cancer.

Section 5. *The following appropriations are made for the 2005-2006 fiscal year from the General Revenue Fund:*

(1) *To the Florida Center for Universal Research to Eradicate Disease, \$9 million to be distributed pursuant to law to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in section 381.921, Florida Statutes, as those goals inure to the advancement of such cures.*

(2) *To the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida, \$15 million for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established under section 430.502, Florida Statutes.*

(3) *To the James and Esther King Biomedical Research Program, \$6 million for the purposes of section 215.5602, Florida Statutes.*

Section 6. Subsection (11) is added to section 215.5602, Florida Statutes, to read:

215.5602 James and Esther King Biomedical Research Program.—

(11) *The Legislature shall annually appropriate funds to the James and Esther King Biomedical Research Program for the purposes of this section in the General Appropriations Act.*

Section 7. Subsection (11) is added to section 1004.445, Florida Statutes, to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.—

(11) *The Legislature shall annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida in the General Appropriations Act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-24, delete those lines and insert: providing legislative intent; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; providing appropriations; amending s. 215.5602, F.S.; requiring the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; amending s. 1004.445, F.S.; requiring the Legislature to annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (093742)—On page 9, line 29 through page 10, line 14, delete those lines and insert:

Section 5. *The following appropriations are made for the 2005-2006 fiscal year:*

(1) *To the Florida Center for Universal Research to Eradicate Disease within the Department of Health, \$9 million from the General Revenue Fund to be distributed pursuant to law to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in section 381.921, Florida Statutes, as those goals inure to the advancement of such cures.*

(2) *To the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida, \$15 million from the General Revenue Fund for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established under section 430.502, Florida Statutes.*

(3) *To the Department of Health Biomedical Research Trust Fund, \$6 million from the General Revenue Fund.*

(4) *To the James and Esther King Biomedical Research Program, \$6 million from the Biomedical Research Trust Fund for the purposes of section 215.5602, Florida Statutes.*

Amendment 1 as amended was adopted.

Senator King moved the following amendment which was adopted:

Amendment 2 (114610)—On page 9, lines 16 and 17, delete those lines and insert:

17. *A Florida not-for-profit institution engaged in basic and clinical biomedical research and education that receives more than \$10 million in annual grant funding from the National Institutes of Health. This position is for a 4-year term. Consecutive terms may not be held by the same institution.*

Pursuant to Rule 4.19, **CS for CS for SB's 1872 and 2378** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 726—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 787.03, F.S., relating to a public-records exemption provided for information submitted to the sheriff or state attorney for the purpose of obtaining immunity from prosecution for the offense of interference with custody; limiting the information covered by the public-records exemption; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for the repeal of the exemption; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 726** to **HB 1699**.

Pending further consideration of **SB 726** as amended, on motion by Senator Webster, by two-thirds vote **HB 1699** was withdrawn from the Committees on Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Webster—

HB 1699—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 787.03, F.S., which provides a public records exemption for information provided to a sheriff

or state attorney in specified domestic violence cases in which a person seeks shelter from an act or possible act of domestic violence and takes with him or her any child 17 years of age or younger; extending the repeal date scheduled under the Open Government Sunset Review Act; narrowing the exemption; providing an effective date.

—a companion measure, was substituted for **SB 726** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1699** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2460—A bill to be entitled An act relating to drainage and water control districts; amending s. 298.22, F.S.; authorizing the board of supervisors of a district to purchase or lease real or personal property; amending s. 298.225, F.S.; requiring the board of supervisors to submit a plan or amendment for review only for those projects that require a permit from the jurisdictional water management district pursuant to ch. 373, F.S.; providing that an engineer's report is exempt from parts of the plan-adoption process if it meets certain criteria; providing that minor or insubstantial amendments or engineer's reports may be adopted by resolution of the board of supervisors; providing that certain engineer's reports constitute a minor, insubstantial amendment; amending s. 298.301, F.S.; clarifying requirements for holding the final hearing on approval of a proposed plan or plan amendment; requiring that proposed revisions to the engineer's report, water control plans, or plan amendments be heard and determined by the board of supervisors; authorizing the board to approve and confirm the engineer's report and water plan or plan amendment or order the report or amendment changed to conform with its findings; amending s. 298.341, F.S.; providing that assessments constitute a lien from January 1 of each year that assessable property is liable for district assessments; amending s. 298.77, F.S.; requiring that an engineer's report be revised accordingly if there is a material change in the value of land; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 2460** to **HB 1389**.

Pending further consideration of **SB 2460** as amended, on motion by Senator Atwater, by two-thirds vote **HB 1389** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

On motion by Senator Atwater—

HB 1389—A bill to be entitled An act relating to water control districts; amending s. 298.22, F.S.; revising powers of the board of supervisors to execute water control plans; amending s. 298.225, F.S.; revising provisions for water control plan development and amendment; clarifying the authority of certain districts as exclusive providers of certain services and facilities; amending s. 298.301, F.S.; revising water control plan adoption procedures; amending s. 298.341, F.S.; revising provisions for assessment liens; amending s. 298.77, F.S.; providing for revision of the engineer's report pursuant to an assessment readjustment; providing an effective date.

—a companion measure, was substituted for **SB 2460** as amended and read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (634176)—On lines 61-67, insert: *portion of the district's lands are located. A district which has an adopted water control plan and is located entirely within an unincorporated portion of a county shall be the exclusive provider within the district for services and facilities as authorized by this chapter or special act and included in an adopted water control plan.*

Pursuant to Rule 4.19, **HB 1389** as amended was placed on the calendar of Bills on Third Reading.

SENATOR PRUITT PRESIDING

On motion by Senator Constantine—

CS for CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (320438)—On page 6, line 21, delete “(11)” and insert: (12)

Amendment 2 (084050)—On page 7, lines 7-10, delete those lines and insert: *of the taxable or assessable value of an independent special district.*

Amendment 3 (211296)—On page 12, line 24, delete “171.202(10)(a)” and insert: 171.202(11)(a)

Amendment 4 (982360)—On page 14, line 8, before the period (.) insert: *, unless the agreement provides for the dissolution of an independent special district or the removal of more than 10 percent of the taxable or assessable value of an independent special district*

Pursuant to Rule 4.19, **CS for CS for SB 926** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing

additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (362132)—On page 16, lines 1-4, delete those lines and insert: *entity of state government and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. Workforce*

Amendment 2 (165514)—On page 23, lines 16 and 17, delete those lines and insert: *managed, or paid by the Agency for Workforce Innovation pursuant to s. 20.50(2) are exempt from s. 112.061, but shall be governed by s. 445.004(1).*

Amendment 3 (730120)—On page 39, lines 13-17, delete those lines and insert: *state agencies and are exempt from chapters 120 and 287. The regional workforce boards shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. , but the boards and their administrative entities must comply with state procurement laws and procedures until Workforce Florida, Inc., adopts the provisions or alternative procurement procedures that meet the requirements of federal law. Regional workforce boards, their*

Pursuant to Rule 4.19, **CS for CS for SB 1650** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson—

CS for SB 514—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; authorizing the use of volunteers to assist the prisoner in completing the application; providing that this section does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 514** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

—was read the second time by title. On motions by Senator Carlton, by two-thirds vote **CS for CS for SB 1910** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Baker

MOTION

On motion by Senator Carlton, the House was requested to pass **CS for CS for SB 1910** as passed by the Senate; and in the event the House refuses, that the bill be included in the appropriations conference.

On motion by Senator Jones—

CS for CS for SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the terms “person” and “proprietor or other person in charge of an enclosed indoor workplace” for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; creating a new exemption; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming

cross-references; providing a penalty for a vendor who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1308** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 1695** was withdrawn from the Committees on Commerce and Consumer Services; Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator King—

HB 1695—A bill to be entitled An act relating to a public records exemption for the Voluntary Prekindergarten Education Program; creating s. 1002.72, F.S.; creating an exemption from public records requirements for individual records of children enrolled in the Voluntary Prekindergarten Education Program; providing for retroactive application; providing for exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2220** and read the second time by title.

Pursuant to Rule 4.19, **HB 1695** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms “admission,” “advanced registered nurse practitioner,” “direct employee,” and “physician assistant” for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient’s guardian for disclosure of confidential patient information; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (515612)—On page 10, delete line 18 and insert: misdemeanor of the first degree, punishable as

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted:

Amendment 2 (353284)—On page 22, line 23, delete “*felony of the third degree*” and insert: *misdemeanor of the first degree*

Pursuant to Rule 4.19, **CS for SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 2364—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting the requirement for the Agency for Health Care Administration to develop a plan to integrate a plan for frail elderly persons into a diversion pilot program; deleting the agency’s requirement to integrate two separate Medicaid waiver programs into one waiver program; deleting the requirement to seek federal waivers for these waiver programs; requiring the agency and the Department of Elderly Affairs to reimburse providers and develop standards for case management within a certain Medicaid waiver program; authorizing the coordinating of certain medical services to be included in the capitated rate for case management services; deleting the agency’s requirements to implement interagency agreements; providing reimbursement for an elderly lead agency on a prepaid or fixed-sum basis for certain services under a particular diversion pilot project; clarifying that the lead agency be reimbursed for all services by the third year of operation; revising the basis under which the agency is required to develop reimbursement rates; deleting the method of rate of payment for custodial nursing home

placement beyond the first 3 years; deleting the department’s requirements to study and develop a plan for the integration of certain database systems and submit the plan to the Legislature; amending s. 430.7031, F.S.; deleting the requirement for certain program staff to annually review a certain number of case files to find certain nursing home residents who are eligible for possible community placement; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; authorizing the department to adopt rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; repealing s. 430.041, F.S., relating to the Office of Long-Term-Care Policy; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (894990)(with title amendment)—On page 11, lines 30 and 31, delete section 5 and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 15 and 16, delete those lines and insert: providing an

Pursuant to Rule 4.19, **CS for SB 2364** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 288—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 311.13, F.S., relating to an exemption from public records requirements for seaport security plans; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (103770)—On page 1, line 20, delete “provisions of”

Amendment 2 (505976)—On page 1, line 24, delete “the provisions of”

Pursuant to Rule 4.19, **SB 288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1808—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring that certain information in the plans be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1808** to **HB 977**.

Pending further consideration of **CS for SB 1808** as amended, on motion by Senator Campbell, by two-thirds vote **HB 977** was withdrawn from the Committees on Transportation; and Domestic Security.

On motion by Senator Campbell—

HB 977—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation

airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring certain information in the plans to be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—a companion measure, was substituted for **CS for SB 1808** as amended and read the second time by title.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendments to be considered:

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (065984)—On page 3, line 58-60, delete those lines and insert: *to approving it for filing to determine whether it is consistent with Florida Airport Councils Guidelines. No renewal license shall be issued to the airport*

Amendment 2 (440414)—On page 2, line 51-53, delete those lines and insert: *guidelines.*

Pursuant to Rule 4.19, **HB 977** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, by two-thirds vote **HB 1729** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Lynn—

HB 1729—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.981, F.S.; revising a public records exemption for the Florida College Savings Program; narrowing the exemption; deleting provisions that provide for repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 896** and read the second time by title.

Pursuant to Rule 4.19, **HB 1729** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1154—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term “economic development organization”; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1154** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1748** was deferred.

On motion by Senator Saunders, by two-thirds vote **HB 1483** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; General Government Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Saunders—

HB 1483—A bill to be entitled An act relating to tax refund programs for qualified defense contractors and target industry businesses; amending s. 288.095, F.S.; specifying an order of payment of claims for certain tax refunds; providing duties of the Office of Tourism, Trade, and Economic Development in paying certain tax refunds from appropriations; deleting a provision for the office to determine proportions of certain refunds under circumstances of insufficient appropriations; revising certain reporting requirements for Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising the definition of the term “jobs”; including state communications services taxes under qualified defense contractor tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising certification application requirements; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; clarifying the cap on tax refunds; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; amending s. 288.106, F.S.; including state communications services taxes under qualified target industry business tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising application requirements; permitting a business to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; requiring the office to attempt to amend certain existing tax refund agreements; providing an effective date.

—a companion measure, was substituted for **CS for SB 2216** and read the second time by title.

Pursuant to Rule 4.19, **HB 1483** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 124—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in costs; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 124** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 1923** was withdrawn from the Committees on Communications and Public Utilities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Constantine—

HB 1923—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revis-

ing a public records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous language; making editorial changes; providing an effective date.

—a companion measure, was substituted for **CS for SB 680** and read the second time by title.

Pursuant to Rule 4.19, **HB 1923** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 2278—A bill to be entitled An act relating to private security services; amending s. 493.6115, F.S.; revising the types of firearms that a security officer is authorized to carry; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2278** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring each water management district to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend regulatory alternatives that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services and the Department of Environmental Protection to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that incorporate agricultural water conservation measures and provide a 10-percent net reduction in permitted water use or the replacement of a water supply source; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to any activities that are conducted as mitigation for wetland or other surface water impacts; amending s. 373.414, F.S.; authorizing the governing board of a water management district or the department to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Environmental Preservation recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (262070)(with title amendment)—On page 3, line 26 through page 5, line 21, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 24-29, delete those lines and insert: water impacts; amending s.

Senator Smith moved the following amendment which was adopted:

Amendment 2 (894724)(with title amendment)—On page 2, lines 27-30, delete those lines and insert: *for a period of 20 years for uses that replace a water supply source that has been*

And the title is amended as follows:

On page 1, lines 16-19, delete those lines and insert: replace a water supply source that has been impacted by water-use withdrawals; amending s. 373.406, F.S.;

Pursuant to Rule 4.19, **CS for SB 1748** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **HB 1673** was withdrawn from the Committees on Ethics and Elections; and Judiciary.

On motion by Senator Clary—

HB 1673—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of “primary election,” to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061 and 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.014, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, and 106.29, F.S., F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

—a companion measure, was substituted for **CS for SB’s 1268 and 1956** and read the second time by title.

Pursuant to Rule 4.19, **HB 1673** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1502—A bill to be entitled An act relating to driver’s license applications; amending s. 322.08, F.S.; allowing applicants to make a \$1 contribution to the Children’s Hearing Help Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1502** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 518** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Argenziano, the Senate recessed at 12:13 p.m. to reconvene at 1:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:44 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 2412** was deferred.

On motion by Senator Clary—

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1 (431776)—On page 4, delete line 26 and insert: *to be appointed by America's Health Insurance Plans.*

Amendment 2 (634192)—On page 6, between lines 5 and 6, insert:

(d) The provision of comparative-cost information to insureds and subscribers before service delivery.

Pursuant to Rule 4.19, **CS for CS for SB 662** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 1602—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; establishing a burden of proof for certain refund claims; establishing a measure of damages for certain refund claims; specifying an affirmative defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing construction; providing severability; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1602** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 102—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled the "Southwest Florida Expressway Authority"; providing a short title; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the

authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; providing for procurement; providing bond financing authority for projects; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for lease-purchase agreement with the Department of Transportation; providing that the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing for future expiration of the act; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 102** to **HB 401**.

Pending further consideration of **SB 102** as amended, on motion by Senator Saunders, by two-thirds vote **HB 401** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Saunders—

HB 401—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; prohibiting authority involvement with a certain road development; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing legislative intent regarding changes; providing for future expiration of the act; providing a contingent effective date.

—a companion measure, was substituted for **SB 102** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 401** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 822—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising the terms "state group insurance program" and "surviving spouse" and defining the term "TRICARE supplemental insurance plan"; including the TRICARE supplemental insurance plan within the state group insurance program; requiring the Department of Management Services to purchase health care for employees under the TRICARE supplemental insurance plan; authorizing a surviving spouse to elect to continue coverage under the TRICARE supplemental insurance plan; providing that an enrollee in the TRICARE supplemental insurance plan may change to any other state health plan during open enrollment; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 822** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 19** was withdrawn from the Committees on Transportation; Banking and Insurance; General Government Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Wise—

HB 19—A bill to be entitled An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain, for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 468** and read the second time by title.

Pursuant to Rule 4.19, **HB 19** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 205** was withdrawn from the Committees on Regulated Industries; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Haridopolos—

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of un-

stamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 816** and read the second time by title.

On motion by Senator Haridopolos, further consideration of **HB 205** was deferred.

SENATOR VILLALOBOS PRESIDING

On motion by Senator Constantine—

SB 1448—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, and 376.30781, F.S.; increasing the amount of credit which may be applied against the tax on intangible personal property and the corporate income tax for the voluntary cleanup costs of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Program; increasing the amount of the loan guarantee for redevelopment projects in brownfield areas; repealing ss. 376.87 and 376.875, F.S., relating to brownfield property ownership clearance assistance and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1448** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **HB 255** was withdrawn from the Committees on Agriculture; Health Care; and Community Affairs.

On motion by Senator Rich—

HB 255—A bill to be entitled An act relating to rabies vaccination; amending s. 828.30, F.S.; revising requirements for the frequency of rabies vaccination for specified animals; revising rabies vaccination certificate requirements; deleting an obsolete provision; prohibiting local governments from mandating revaccination of currently vaccinated animals except in specified instances; providing legislative findings; providing an effective date.

—a companion measure, was substituted for **CS for SB 898** and read the second time by title.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 1 (902398)—On page 2, lines 40-53, delete those lines and insert:

(a) ~~The license number of the administering veterinarian.~~

(b) ~~The name, address, and phone number of the veterinarian and owner.~~

(c) ~~The date of vaccination.~~

(d) ~~The expiration date of the vaccination.~~

~~(e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.~~

~~(f) The rabies vaccine manufacturer.~~

~~(g) The vaccine lot number and expiration date.~~

~~(h) The type and brand of vaccine used.~~

~~(i) The route of administration of the vaccine.~~

~~(j) the signature or signature stamp of the licensed veterinarian.~~

Pursuant to Rule 4.19, **HB 255** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 658—A bill to be entitled An act relating to the University of South Florida St. Petersburg; amending s. 1009.24, F.S.; authorizing the Campus Board of the university to submit a proposal to assess a student-center-support fee to the University of South Florida Board of Trustees for approval; providing a cap on the sum of the fees students are required to pay for courses; prohibiting the inclusion of the fee in calculating the amount a student receives under specified scholarship awards; providing procedures for fee recommendation and approval; providing authorized uses of revenues from such fee; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 658** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 1526—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; adopting the definition of viable fetus for purposes of this offense; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; adopting the definition of viable fetus for purposes of this offense; amending ss. 435.03 and 435.04, F.S., to conform provisions to changes made by the amendments to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of “crime” under the Florida Crimes Compensation Act, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1526** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; defining the terms “electronic media” and “lawyer referral service”; requiring advertisements and unsolicited written communications for legal services disseminated in Florida by certain entities to comply with the rules regulating The

Florida Bar; requiring a specific statement to accompany advertisements for legal services and unsolicited written communications by lawyer-referral services; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state, a business entity organized under the rules regulating The Florida Bar, a lawyer licensed out-of-state, a law firm owned by a lawyer licensed out-of-state, a lawyer-referral service, or a group or legal plan; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring publishers of advertisements to retain certain copies for a specified period; providing for civil penalties and for enforcement; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that the act is cumulative and does not repeal any other law, rule, or penalty; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (055188)(with title amendment)—On page 5, line 14 through page 7, line 7, delete those lines and insert: *a lawyer-referral service, or a group or prepaid legal plan must be filed with The Florida Bar and accompanied by an affidavit signed under oath and affirming under penalty of perjury that the person:*

(a) *Has read and understands the rules regulating The Florida Bar which govern lawyer advertising;*

(b) *Acknowledges that he or she is the person responsible for the advertisement;*

(c) *If the advertisement is by or on behalf of a member of The Florida Bar or an authorized business entity properly organized under the rules regulating The Florida Bar, acknowledges that he or she is the appropriate person for the Supreme Court of Florida to discipline if the advertisement is found to be in violation of the rules regulating The Florida Bar which govern lawyer advertising. If the advertisement is by or on behalf of a lawyer licensed to practice in a foreign country or in another state, a law firm owned by a lawyer licensed to practice in a foreign country or in another state, a lawyer-referral service, or a group or prepaid legal plan, the advertisement must contain the following statement: “The advertiser states that, although not directly subject to the rules regulating The Florida Bar which govern lawyer advertising, the advertiser has read and, by submitting this advertisement, agrees to comply with the rules regulating The Florida Bar which govern lawyer advertising, including filing requirements.”;*

(d) *Affirms that the advertisement complies with the rules regulating The Florida Bar which govern lawyer advertising;*

(e) *Acknowledges that a knowing violation of the rules regulating The Florida Bar which govern lawyer advertising subjects the person to a civil penalty of \$1,000 for the first offense and a civil penalty of \$10,000 for each subsequent offense; and*

(f) *Affirms that the person:*

1. *Has filed the advertisement for review with The Florida Bar in compliance with the rules regulating The Florida Bar which govern lawyer advertising;*

2. *Is responsible for filing and will file the advertisement for review with The Florida Bar in compliance with the rules regulating The Florida Bar which govern lawyer advertising; or*

3. *Has determined that the advertisement is exempt from the filing requirement as set forth in the rules regulating The Florida Bar.*

(5) *The Florida Bar shall retain a copy of each affidavit submitted to The Florida Bar in accordance with subsection (4) for 2 years.*

(6) *A person who violates subsection (2), subsection (3), or subsection (4) is subject to a civil penalty of \$1,000 for the first offense and a civil penalty of \$10,000 for each subsequent offense. Any person who, upon information and belief, claims a violation of subsection (2), subsection (3), or subsection (4) may, in a court of competent jurisdiction, seek to enforce such penalties and seek an injunction against any person who violates subsection (2), subsection (3), or subsection (4). As*

And the title is amended as follows:

On page 1, lines 22-28, delete those lines and insert: service, or a group or legal plan; requiring that such advertisement be filed with The Florida Bar; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring The Florida Bar to retain certain copies of advertisements for a

Pursuant to Rule 4.19, **CS for CS for SB 192** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term “local mitigation strategy” for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government’s comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 976** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 720—A bill to be entitled An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; deleting obsolete provisions to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 720** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 2006—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; including paintless dent-removal in the services that may be covered by a motor vehicle service agreement; amending s. 634.041, F.S.; revising requirements governing qualifications for a license to issue such agreements; providing for use of a 50-percent reserve or contractual liability coverage by certain service agreement companies; amending s. 634.136, F.S.; requiring a motor vehicle service contract company to maintain additional information relating to motor vehicle service agreements; providing an effective date.

—was read the second time by title.

Senator Dockery offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (745820)(with title amendment)—On page 5, between lines 14 and 15, insert:

Section 4. Subsection (13) of section 634.401, Florida Statutes, is amended to read:

634.401 Definitions.—As used in this part, the term:

(13) “Service warranty” means any warranty, guaranty, extended warranty or extended guaranty, maintenance service contract *equal to or greater than 1 year in length or which does not meet the exemption in paragraph (a), contract agreement, or other written promise for a specific duration to perform the repair, replacement, or maintenance of a consumer product, or for indemnification for repair, replacement, or maintenance, for operational or structural failure due to a defect in materials or workmanship, normal wear and tear, power surge, or accidental damage from handling to indemnify against the cost of repair or replacement of a consumer product* in return for the payment of a segregated charge by the consumer; however:

(a) Maintenance service contracts written for *less than 1 year or less* which do not contain provisions for indemnification and which do not provide a discount to the consumer for any combination of parts and labor in excess of 20 percent during the effective period of such contract, motor vehicle service agreements, transactions exempt under s. 624.125, and home warranties subject to regulation under parts I and II of this chapter are excluded from this definition; ~~and~~

(b) The term “service warranty” does not include service contracts between consumers and condominium associations; ~~and~~

(c) *All contracts that include coverage for accidental damage from handling must be covered by the contractual liability policy referred to in s. 634.406(3).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to warranty associations; amending s. 634.401, F.S.; redefining the term “service warranty” for purposes of regulation of service warranty associations; amending s. 634.011, F.S.;

Pursuant to Rule 4.19, **CS for SB 2006** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 530—A bill to be entitled An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 530** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 752—A bill to be entitled An act relating to children’s summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program;

providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations recommended the following amendment which was moved by Senator Wise and failed:

Amendment 1 (935320)(with title amendment)—On page 2, line 11, after the period (.) insert: *In order to become exempt from sponsoring the program, the district school board must demonstrate that offering the program would result in a financial hardship that would adversely impact instructional programs.*

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing criteria for exemption;

Pursuant to Rule 4.19, **SB 752** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1300—A bill to be entitled An act relating to limitations on claims for refund of corporate income tax; amending s. 220.727, F.S.; revising provisions for determining when a payment of estimated tax is deemed paid for purposes of time limitations for refund claims; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1300** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (084260)—On page 1, line 17, delete “reason” and insert: *person*

Amendment 2 (611752)—On page 2, delete line 3 and insert: *2. Beginning December 15, 2005, fingerprint*

Pursuant to Rule 4.19, **CS for CS for SB 1914** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 498—A bill to be entitled An act relating to the residency status of dependent immigrant children; creating s. 39.5075, F.S.; providing definitions; directing the Department of Children and Family Services or a community-based care provider to determine whether a dependent child is a citizen of the United States and to report the information to the court; providing that services to children alleged to have been

abused, neglected, or abandoned be provided without regard to the citizenship of the child except where alienage or immigration status is explicitly set as a statutory condition of coverage or eligibility; requiring the case plan to include specified information; directing the department or the community-based care provider to file a petition with the court to determine whether the child meets the criteria for special immigrant juvenile status; directing the department or the community-based care provider to file papers with federal authorities to adjust the child’s residency status; authorizing the court to continue jurisdiction of a child whose residency status is being considered by federal authorities; requiring that certain information be given to the court; directing the department to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 498** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 510—A bill to be entitled An act relating to temporary custody of a child by an extended family member or putative father; amending s. 751.011, F.S.; defining the term “extended family member”; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member or putative father; providing that only an extended family member or putative father may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; providing that either or both of the child’s parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 510** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 1920—A bill to be entitled An act relating to postsecondary education; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; amending s. 112.313, F.S.; prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1920** to **HB 1001**.

Pending further consideration of **CS for SB 1920**, on motion by Senator Lynn, by two-thirds vote **HB 1001** was withdrawn from the Committee on Education Appropriations.

On motion by Senator Lynn—

HB 1001—A bill to be entitled An act relating to governance of the State University System; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **CS for SB 1920** and read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (675996)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Responsibility for the State University System under Section 7, Article IX of the State Constitution; legislative finding and intent.*—

(1) **LEGISLATIVE FINDINGS.**—

(a) *Definitions.*—For purposes of this act, the term:

1. “Board of Governors” as it relates to the State University System and as used in Section 7, Article IX of the State Constitution and Title XLVIII and other sections of the Florida Statutes is the Board of Governors of the State University System which belongs to and is part of the executive branch of state government.

2. “Institutions of higher learning” as used in the State Constitution and the Florida Statutes includes publicly funded state universities.

3. “Public officer” as used in the Florida Statutes includes members of the Board of Governors.

4. “State university” or “state universities” as used in the State Constitution and the Florida Statutes are agencies of the state which belong to and are part of the executive branch of state government. This definition of state universities as state agencies is only for the purposes of the delineation of constitutional lines of authority. Statutory exemptions for state universities from statutory provisions relating to state agencies that are in effect on the effective date of this act remain in effect and are not repealed by virtue of this definition of state universities.

(b) *Constitutional duties of the Board of Governors of the State University System.*—In accordance with Section 7, Article IX of the State Constitution, the Board of Governors of the State University System has the duty to operate, regulate, control, and be fully responsible for the management of the whole publicly funded State University System and the board, or the board’s designee, has responsibility for:

1. Defining the distinctive mission of each constituent university.
2. Defining the articulation of each constituent university in conjunction with the Legislature’s authority over the public schools and community colleges.
3. Ensuring the well-planned coordination and operation of the State University System.
4. Avoiding wasteful duplication of facilities or programs within the State University System.
5. Accounting for expenditure of funds appropriated by the Legislature for the State University System as provided by law.
6. Submitting a budget request for legislative appropriations for the institutions under the supervision of the board as provided by law.
7. Adopting strategic plans for the State University System and each constituent university.
8. Approving, reviewing, and terminating degree programs of the State University System.
9. Governing admissions to the state universities.
10. Serving as the public employer to all public employees of state universities for collective bargaining purposes.
11. Establishing a personnel system for all state university employees; however, the Department of Management Services shall retain authority over state university employees for programs established in sections 110.123, 110.1232, 110.1234, 110.1238, and 110.161, Florida Statutes, and in chapters 121, 122, and 238, Florida Statutes.
12. Complying with, and enforcing for institutions under the board’s jurisdiction, all applicable local, state, and federal laws.

(c) *Constitutional duties of the Legislature.*—In accordance with Section 3, Article II of the State Constitution, which establishes the separation of powers of three branches of government; Section 1, Article III of the State Constitution, which vests the legislative power of the state in the Legislature; Section 8, Article III of the State Constitution, which provides the exclusive executive veto power of the Governor and the exclusive

veto override power of the Legislature; Section 19, Article III of the State Constitution, which requires the Legislature to enact state planning and budget processes and requirements for budget requests by general law; Section 1, Article VII of the State Constitution, which requires that the authority to expend state funds be by general law enacted by the Legislature; and Section 1, Article IX of the State Constitution, which requires the Legislature to make adequate provision by law for the “establishment, maintenance, and operation of institutions of higher learning,” the Legislature has the following responsibilities:

1. Making provision by law for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.
2. Appropriating all state funds through the General Appropriations Act or other law.
3. Establishing tuition and fees.
4. Establishing policies relating to merit and need-based student financial aid.
5. Establishing policies relating to expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature. This includes, but is not limited to, policies relating to: budgeting, deposit of funds; investments; accounting; purchasing, procurement, and contracting; insurance; audits; maintenance and construction of facilities; property; bond financing; leasing; and information reporting.
6. Maintaining the actuarial and fiscal soundness of centrally administered state systems by requiring state universities to continue to participate in programs such as the Florida Retirement System, the state group health insurance programs, the state telecommunications and data network (SUNCOM), and the state casualty insurance program.
7. Establishing and regulating the use of state powers and protections, including, but not limited to, eminent domain, certified law enforcement, and sovereign immunity.
8. Establishing policies relating to the health, safety, and welfare of students, employees, and the public while present on the campuses of institutions of higher learning.

(2) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings of this act.

Section 2. Subsection (17) is added to section 112.313, Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(17) **BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.**—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; amending s. 112.313, F.S.; prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

WHEREAS, in 2000, the Florida Legislature enacted chapter 2000-321, Laws of Florida, the Florida Education Governance Reorganization Act of 2000, which restructured the state’s public education system to

create a seamless K-20 system and repealed the Florida Board of Regents, an entity previously established by the Legislature to govern the administration of the State University System, and

WHEREAS, in 2000, the Legislature consolidated the administration of the state's institutions of higher education with grades K through 12 in the Florida Board of Education (later the State Board of Education) and the Commissioner of Education, and

WHEREAS, in 2002, the voters amended the State Constitution to create the Board of Governors to "be responsible for the coordinated and accountable operation of the whole university system" and did not express an intent to limit legislative powers granted in section 1, Article IX of the State Constitution, and

WHEREAS, in its review of the ballot title and summary to the initiative proposal creating the Board of Governors, the Florida Supreme Court found that the amendment would authorize "the statewide board of governors to 'operate, regulate, control, and be fully responsible for the management of the whole university system'" [Advisory Opinion to the Attorney General Re Local Trustees, 819 So.2d 725, 729 (Fla. 2002)], and

WHEREAS, the Florida Supreme Court found that the ballot title and summary for the proposed amendment plainly and unequivocally expressed its chief purpose and that this purpose "does not substantially affect or alter any provision in the State Constitution" [Id. at 732], and

WHEREAS, the Court's advisory opinion indicates that the Court interpreted "the plain unequivocal language" of the proposal's ballot summary as not making fundamental changes redistributing legislative power to an entity within another branch, which would alter the balance of governmental powers, and

WHEREAS, since 1968 and continuing through today, Section 1 of Article IX of the State Constitution provides that "[a]dequate provision shall be made by law for ... the establishment, maintenance, and operation of institutions of higher learning ...," and

WHEREAS, as of November 2002, the Board of Governors is charged by Section 7 of Article IX of the State Constitution with the responsibility to "operate, regulate, control, and be fully responsible for the management of the whole university system," and

WHEREAS, the canons of Florida statutory construction require that laws on the same subject are to be construed "in harmony with one another" so as not to render any part meaningless based upon the presumption that the people would not have adopted useless constitutional law [See, e.g., *Unruh v. State*, 669 So.2d 242 (Fla. 1996); see, also, *State ex rel. McKay v. Keller*, 191 So. 542 (Fla. 1939) (holding that principles governing the construction of statutes are generally applicable as well to the construction of constitutions)], and

WHEREAS, in accordance with these dictates, it is the Legislature's intention herein to harmonize and give meaningful effect to both Sections 1 and 7 of Article IX of the State Constitution, and

WHEREAS, litigants in *Floridians for Constitutional Integrity, Inc., et al. v. State Board of Education and Board of Governors*, Case No. 04-CA-3040, filed in the Second Judicial Circuit in and for Leon County, Florida, have alleged that the 2002 amendment so altered the State Constitution that the Legislature cannot enact laws controlling the policy or direction of the State University System, that the Board of Governors is not subject to legislative control, that the Board of Governors controls such public funds as tuition and student fees, federal contracts and grants, and that all authority over the State University System was transferred by the 2002 amendment to the Board of Governors subject only to legislative appropriation authority of only the state's general revenue, and

WHEREAS, on the contrary, the Florida Supreme Court stated that while the 2002 amendment interacts with Section 1 of Article IX, "it does not substantially affect or change" it [Advisory Opinion, Id. at 730], and

WHEREAS, it is the duty of the Florida Legislature to uphold Section 3 of Article II of the State Constitution and safeguard the powers of one branch of government from encroachments from entities of the other branches, and

WHEREAS, the Legislature has found that the powers of the Legislature in Section 1 of Article IX of the State Constitution and the powers

of the Board of Governors in Section 7 of Article IX of the State Constitution must and can be defined in harmony to give each entity its full measure of constitutional responsibility, and

WHEREAS, Section 18 of Article III of the State Constitution confers upon the Legislature the obligation to prohibit conflict between the public duties and private interests of state officers, and

WHEREAS, the members of the statewide board of governors and local boards of trustees, as established in Section 7, Article IX of the State Constitution, are state officers and subject to the ethics laws of the State of Florida, and

WHEREAS, it is the intent of the Legislature to ensure good government practices in the operation of the education boards of this state, and

WHEREAS, the Legislature finds that lobbyists serving as members of state education boards present an actual or potential conflict of interest, and

WHEREAS, the Legislature finds that the Board of Governors and the local boards of trustees should reach their decisions free of political influence and in the best interests of the people of the State of Florida, NOW, THEREFORE,

Pursuant to Rule 4.19, **HB 1001** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 890—A bill to be entitled An act relating to student and parent rights; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 890** to **HB 279**.

Pending further consideration of **CS for SB 890** as amended, on motion by Senator Wise, by two-thirds vote **HB 279** was withdrawn from the Committees on Education; Health Care; and Judiciary.

On motion by Senator Wise—

HB 279—A bill to be entitled An act relating to student and parent rights; providing a popular name; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—a companion measure, was substituted for **CS for SB 890** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 279** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Senator Klein moved the following amendment:

Amendment 1 (590580)(with title amendment)—On page 1, line 14 through page 2, line 17, delete those lines and insert:

Section 2. Subsection (8) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. *By January 1, 2006, each law enforcement agency in this state shall adopt departmental policy to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. However, except for violations of s. 316.613, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.*

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: An act relating to traffic law enforcement; designating the Dori Slosberg Safety Belt Law; amending s. 316.614, F.S.; requiring law enforcement agencies to adopt policies prohibiting racial profiling; requiring law enforcement officers to collect certain information to be forwarded by the agency to the Department of Highway Safety and Motor Vehicles; requiring the department to compile such information and annually submit reports of such data to the Governor and the Legislature; deleting the requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

On motion by Senator Hill, further consideration of **CS for SB 216** with pending **Amendment 1 (590580)** was deferred.

On motion by Senator Lynn—

CS for SB 768—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; creating s. 1003.575, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (603922)—On page 5, delete line 11 and insert: *including, but not limited to, a public school, a private school, a group home*

Pursuant to Rule 4.19, **CS for SB 768** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 276—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act;

amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; defining the term "vessel"; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; repealing s. 1.01(15), F.S.,

relating to the definition of the term “wrecker operator”; providing an appropriation and authorizing additional positions; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 276** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children’s advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 758** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 2268—A bill to be entitled An act relating to athletic trainers; amending s. 468.707, F.S.; revising the requirements for licensure as an athletic trainer; amending s. 468.711, F.S.; revising the criteria for continuing education in athletic training; amending s. 468.717, F.S.; providing that a person who practices athletic training without holding an active license commits a first-degree misdemeanor regardless of whether the person receives compensation; amending s. 468.723, F.S.; providing that a person employed as an apprentice trainer or athletic trainer is not exempt from part XIII of ch. 468, F.S.; amending s. 1012.46, F.S.; deleting the classification of first responder in a school district’s athletic injuries prevention and treatment program; requiring that an athletic trainer employed by a school district be licensed as an athletic trainer; deleting a requirement that such person possess certain certification as an educator; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2268** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 1029** was withdrawn from the Committees on Transportation; Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

On motion by Senator Fasano—

HB 1029—A bill to be entitled An act relating to funding for dredging projects; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—a companion measure, was substituted for **CS for SB 1576** and read the second time by title.

Pursuant to Rule 4.19, **HB 1029** was placed on the calendar of Bills on Third Reading.

Consideration of **HB 1889** and **HB 1899** was deferred.

On motion by President Lee, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SB 574—A bill to be entitled An act relating to the designation of an official fruit of the State of Florida; creating s. 15.0315, F.S.; designating the orange as the official fruit of the State of Florida; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **SB 574** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Senate resumed consideration of—

CS for SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending s. 607.1301, F.S.; redefining the term “fair value” to clarify existing law regarding the rights of minority shareholders; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.43595, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions; providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member’s acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney’s fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending s. 617.0302, F.S., to conform; amending s. 617.0505, F.S.; exempting certain private clubs organized as corporations from a prohibition against distributions made to members in certain circumstances; creating s. 617.1108, F.S.; providing that certain statutory provisions related to mergers of corporations apply to not-for-profit corporations; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Partnership Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose,

and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for transfers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name; providing for revocation of a certificate of authority for foreign limited

partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain required filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; amending s. 607.11101, F.S.; deleting the requirement that a certified copy of the articles of merger be recorded; conforming cross-references; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 607.0129 and 617.0129, F.S., relating to signing a false document; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192,

620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; amending s. 817.155, F.S.; providing that a person making a false or fraudulent statement to the Department of State commits a felony of the third degree; providing effective dates.

—which was previously considered and amended this day.

On motion by Senator Klein, **CS for SB 1056** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Garcia—

CS for SB 2412—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless he or she is a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; requiring annual statements to contain certain information; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; amending ss.

626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising a prohibited practice to apply to issuing life expectancies under certain circumstances; providing a criminal penalty; amending s. 626.99278, F.S.; requiring an anti-fraud plan to include a life expectancy accuracy review process; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which failed:

Amendment 1 (750484)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 626.99271, Florida Statutes, is created to read:

626.99271 Viatical fraudulent prevention and control.—

(1) FRAUDULENT VIATICAL SETTLEMENT ACTS; INTERFERENCE AND PARTICIPATION OF CONVICTED FELONS PROHIBITED.—

(a) A person may not commit a fraudulent viatical settlement act.

(b) A person may not knowingly or intentionally interfere with the enforcement of this act or investigations of suspected or actual violation of this section.

(c) A person in the business of viatical settlements may not knowingly or intentionally permit any person convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements.

(2) FRAUD WARNING REQUIRED.—

(a) Viatical settlement contracts and purchase agreement forms and applications for viatical settlements, regardless of the form of transmission, must contain the following statement or a substantially similar statement:

Any person who knowingly presents false information in an application for insurance, a viatical settlement contract, or a viatical settlement purchase agreement may be subject to fines.

(b) The lack of a statement as required in paragraph (a) does not constitute a defense in any prosecution for a fraudulent viatical settlement act.

(3) MANDATORY REPORTING OF FRAUDULENT VIATICAL SETTLEMENT ACTS.—

(a) A person who engages in the business of viatical settlements who knows or has a reasonable belief that a fraudulent viatical settlement act is being, will be, or has been committed must provide to the Financial Services Commission the information required by, and in a manner prescribed by, the commission.

(b) Any other person who knows or has a reasonable belief that a fraudulent viatical settlement act is being, will be, or has been committed may provide to the commission the information required by, and in a manner prescribed by, the commission.

(4) IMMUNITY FROM LIABILITY.—

(a) Civil liability may not be imposed on and a cause of action may not arise from a person furnishing information concerning suspected, anticipated, or completed fraudulent acts with respect to viatical settlements or suspected or completed fraudulent insurance acts if the information is provided to or received from:

1. The Financial Services Commission or the commission's employees, agents, or representatives;
2. Federal, state, or local law enforcement or regulatory officials or their employees, agents, or representatives;
3. A person involved in the prevention and detection of fraudulent viatical settlement acts or the agent, employee or representative of the person;
4. The National Association of Insurance Commissions (NAIC), National Association of Securities Dealers (NASD), the North American Securities Administrators Association (NASAA), or their employees, agents, or representatives, or other regulatory body overseeing life insurance, viatical settlements, securities, or investment fraud; or
5. The life insurer that issued the life insurance policy covering the life of the insured.

(b) Paragraph (a) does not apply to statements made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent viatical settlement act or a fraudulent insurance act, the party bringing the action must plead specifically any allegation that paragraph (a) does not apply because the person filing the report or furnishing the information did so with actual malice.

(c) A person identified in paragraph (a) is entitled to an award of attorney's fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander, or any other relevant tort arising out of activities in carrying out this act and the party bringing the action was not substantially justified in doing so. For purposes of this section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

(d) This section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in paragraph (a).

(5) OTHER LAW ENFORCEMENT OR REGULATORY AUTHORITY.—This act does not:

- (a) Preempt the authority or relieve the duty of other law enforcement or regulatory agencies to investigate, examine, or prosecute suspected violation of law;
- (b) Prevent or prohibit a person from voluntarily disclosing information concerning viatical settlement fraud to a law enforcement or regulatory agency other than the insurance department; or
- (c) Limit the powers granted elsewhere by the laws of this state to the commission or an insurance fraud unit to investigate and examine possible violations of law and to take appropriate action against wrongdoers.

(6) VIACIAL SETTLEMENT ANTI-FRAUD INITIATIVES.—Viatical settlement providers and viatical settlement brokers must have active anti-fraud initiatives reasonably calculated to detect, prosecute, and prevent fraudulent viatical settlement acts. The Financial Services Commission may order, or a licensee may request and the commission may grant, such modifications of the following required initiatives as necessary to ensure an effective anti-fraud program. The modifications may be more or less restrictive than the required initiatives so long as the modifications may reasonably be expected to accomplish the purpose of this section. Anti-fraud initiatives must include:

- (a) Fraud investigators, who may be viatical settlement provider or viatical settlement broker employees or independent contractors; and
- (b) An anti-fraud plan that must be submitted to the commission. The anti-fraud plan must include, but not be limited to, a description of:

1. The procedures for detecting and investigating possible fraudulent viatical settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

2. The procedures for reporting possible fraudulent viatical settlement acts to the commission;

3. The plan for anti-fraud education and training of underwriters and other personnel; and

4. The chart outlining the organizational arrangement of the anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent viatical settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

Section 2. Section 626.99279, Florida Statutes, is created to read:

626.99279 Advertising for viatical settlements and viatical settlement purchase agreements.—The Legislature intends this section to provide prospective viators and viatical settlement purchasers with clear and unambiguous statements in the advertisement of viatical settlements and to ensure the clear, truthful, and adequate disclosure of the benefits, risks, limitations, and exclusions of any viatical settlement contract or viatical settlement purchase agreement bought or sold. The intent of the Legislature is to be accomplished by establishing guidelines and standards of permissible and impermissible conduct in the advertising of viatical settlements. These standards and guidelines are to ensure that product descriptions are presented in a manner that prevents unfair, deceptive, or misleading advertising and is conducive to accurate presentation and description of viatical settlements through the advertising media and material used by viatical settlement licensees.

(1) This section applies to any advertising of viatical settlement contracts, viatical purchase agreements, or related products or services intended for dissemination in this state, including Internet advertising viewed by persons located in this state. When disclosure requirements are established under federal regulation, this section shall be interpreted to minimize or eliminate conflict with federal regulation whenever possible.

(2) Every viatical settlement licensee shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all advertisements of its contracts, products, and services. All advertisements, regardless of by whom written, created, designed, or presented, are the responsibility of the viatical settlement licensee as well as the individual who created or presented the advertisement. A system of control must include regular routine notification, at least once a year, to agents and others authorized by the viatical settlement licensee who disseminate advertisements of the requirements and procedures for approval before the use of any advertisements not furnished by the viatical settlement licensee.

(3) Advertisements must be truthful and not misleading in fact or by implication. The form and content of an advertisement of a viatical settlement contract or viatical settlement purchase agreement, product, or service must be sufficiently complete and clear so as to avoid deception. It may not have the capacity or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the Financial Services Commission from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

(4) Certain viatical settlement advertisements are deemed false and misleading on their face and are prohibited. False and misleading viatical settlement advertisements include, but are not limited to, the following representations:

(a) "Guaranteed," "fully secured," "100 percent secured," "fully insured," "secure," "safe," "backed by rated insurance companies," "backed by federal law," "backed by state law," "backed by state guaranty funds," or similar representations;

(b) "No risk," "minimal risk," "low risk," "no speculation," "no fluctuation," or similar representations;

(c) "Qualified or approved for individual retirement accounts (IRAs), Roth IRAs, 401(k) plans, simplified employee pensions (SEP), 403(b), Keogh plans, TSA, other retirement account rollovers," "tax deferred," or similar representations;

(d) Use of the word "guaranteed" to describe the fixed return, annual return, principal, earnings, profits, investment, or similar representations;

- (e) “No sales charges or fees” or similar representations;
- (f) “High yield,” “superior return,” “excellent return,” “high return,” “quick profit,” or similar representations; and

(g) Purported favorable representations or testimonials about the benefits of viatical settlement contracts or viatical settlement purchase agreements as an investment, taken out of context from newspapers, trade papers, journals, radio and television programs, and all other forms of print and electronic media.

(5) The information required to be disclosed under this section may not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.

(a) An advertisement may not:

1. Omit material information or use words, phrases, statements, references, or illustrations if the omission or use has the capacity, tendency, or effect of misleading or deceiving viators, purchasers, or prospective purchasers as to the nature or extent of any benefit, loss covered, premium payable, or state or federal tax consequence. The fact that the viatical settlement contract or viatical settlement purchase agreement offered is made available for inspection before consummation of the sale, that an offer is made to refund the payment if the viator is not satisfied, or that the viatical settlement contract or viatical settlement purchase agreement includes a “free look” period that satisfies or exceeds legal requirements does not remedy misleading statements.

2. Use the name or title of a life insurance company or a life insurance policy unless the advertisement has been approved by the insurer.

3. Represent that premium payments will not be required to be paid on the life insurance policy that is the subject of a viatical settlement contract or viatical settlement purchase agreement in order to maintain that policy, unless that is the fact.

4. State or imply that interest charged on an accelerated death benefit or a policy loan is unfair, inequitable, or in any manner an incorrect or improper practice.

(b) The words “free,” “no cost,” “without cost,” “no additional cost,” and “at no extra cost” or words of similar import may not be used with respect to any benefit or service unless true. An advertisement may specify the charge for a benefit or a service or may state that a charge is included in the payment or use other appropriate language.

(c) Testimonials, appraisals, or analysis used in advertisements must be genuine; represent the current opinion of the author; be applicable to the viatical settlement contract or viatical settlement purchase agreement, product, or service advertised, if any; and be accurately reproduced with sufficient completeness to avoid misleading or deceiving prospective viators or purchasers as to the nature or scope of the testimonials, appraisal, analysis, or endorsement. In using testimonials, appraisals, or analysis, the viatical settlement licensee makes as its own all the statements contained therein, and the statements are subject to all the provisions of this section.

1. If the individual making a testimonial, appraisal, analysis, or endorsement has a financial interest in the viatical settlement provider or related entity as a stockholder, director, officer, employee, or otherwise, or receives any benefit directly or indirectly other than required union scale wages, that fact must be prominently disclosed in the advertisement.

2. An advertisement may not state or imply that a viatical settlement contract or viatical settlement purchase agreement, benefit, or service has been approved or endorsed by a group of individuals, society, association, or other organization unless that is the fact and unless any relationship between an organization and the viatical settlement licensee is disclosed. If the entity making the endorsement or testimonial is owned, controlled, or managed by the viatical settlement licensee, or receives any payment or other consideration from the viatical settlement licensee for making an endorsement or testimonial, that fact must be disclosed in the advertisement.

3. When an endorsement refers to benefits received under a viatical settlement contract or viatical settlement purchase agreement, all pertinent information must be retained for a period of 5 years after its use.

(6) An advertisement may not contain statistical information unless it accurately reflects recent and relevant facts. The source of all statistics used in an advertisement must be identified.

(7) An advertisement may not disparage insurers, viatical settlement providers, viatical settlement brokers, viatical settlement investment agents, insurance producers, policies, services, or methods of marketing.

(8) The name of the viatical settlement licensee must be clearly identified in all advertisements about the licensee or its viatical settlement contracts or viatical settlement purchase agreements, products, or services, and if any specific viatical settlement contract or viatical settlement purchase agreement is advertised, the viatical settlement contract or viatical settlement purchase agreement shall be identified either by form number or some other appropriate description. If an application is part of the advertisement, the name of the viatical settlement provider must be shown on the application.

(9) An advertisement may not use a trade name, group designation, name of the parent company of a viatical settlement licensee, name of a particular division of the viatical settlement licensee, service mark, slogan, symbol, or other device or reference without disclosing the name of the viatical settlement licensee if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the viatical settlement licensee or to create the impression that a company other than the viatical settlement licensee would have any responsibility for the financial obligation under a viatical settlement contract or viatical settlement purchase agreement.

(10) An advertisement may not use any combination of words, symbols, or physical materials that by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by a government program or agency, or otherwise appear to be of such nature, that they tend to mislead prospective viators or purchasers into believing that the solicitation is in some manner connected with a government program or agency.

(11) An advertisement may state that a viatical settlement licensee is licensed in the state where the advertisement appears provided that it does not exaggerate that fact or suggest or imply that competing viatical settlement licensees may not be so licensed. The advertisement may ask the audience to consult the licensee’s website or contact the Department of Insurance to find out if the state requires licensing and, if so, whether the viatical settlement provider, viatical settlement broker, or viatical settlement investment agent is licensed.

(12) An advertisement may not create the impression that the viatical settlement provider, its financial condition or status, the payment of its claims, or the merits, desirability, or advisability of its viatical settlement contracts or viatical settlement purchase agreement forms are recommended or endorsed by any government entity.

(13) The name of the actual licensee must be stated in all of its advertisements. An advertisement may not use a trade name, any group designation, the name of any affiliate or controlling entity of the licensee, service mark, slogan, symbol, or other device in a manner that would have the capacity or tendency to mislead or deceive as to the true identity of the actual licensee or create the false impression that an affiliate or controlling entity would have any responsibility for the financial obligation of the licensee.

(14) An advertisement may not directly or indirectly create the impression that any division or agency of the state or of the United States Government endorses, approves, or favors:

(a) Any viatical settlement licensee or its business practices or methods of operation;

(b) The merits, desirability, or advisability of any viatical settlement contract or viatical settlement purchase agreement;

(c) Any viatical settlement contract or viatical settlement purchase agreement; or

(d) Any life insurance policy or life insurance company.

(15) If the advertiser emphasizes the speed with which the viatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.

(16) If the advertising emphasizes the dollar amounts available to viators, the advertising must disclose the average purchase price as a percent of face value obtained by viators contracting with the licensee during the past 6 months.

Section 3. Subsection (2) of section 626.99235, Florida Statutes, is amended to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(2) A viatical settlement provider or its viatical settlement investment agent must provide the viatical settlement purchaser with at least the following disclosures before the date the viatical settlement purchase agreement is signed by all parties. The disclosures must be conspicuously displayed in any viatical purchase contract or in a separate document signed by the viatical settlement purchaser and viatical settlement provider or viatical settlement investment agent, and must make the following disclosure to the viatical settlement purchaser:

(a) That the purchaser will receive no returns including dividends or interest until the insured dies.

(b) That the actual annual rate of return on a viatical settlement contract is dependent upon an accurate projection of the insured's life expectancy and the actual date of the insured's death and that an annual "guaranteed" rate of return is not determinable.

(c) That the viaticated life insurance contract should not be considered a liquid purchase since it is impossible to predict the exact timing of its maturity and the funds probably are not available until the death of the insured and that there is no established secondary market for resale of these products by the purchaser.

(d) That the purchaser may lose all benefits or may receive substantially reduced benefits if the insurer goes out of business during the term of the viatical investment.

(e) That the purchaser is responsible for payment of the insurance premium or other costs related to the policy, if required by the terms of the viatical purchase agreement; that the payments may reduce the purchaser's return; and, if a party other than the purchaser is responsible for the payment, the name and address of that party.

(f) That the purchaser is responsible for payment of the insurance premiums or other costs related to the policy if the insured returns to health and the amount of such premiums, if applicable.

(g) The name and address of any person providing escrow services and the relationship to the broker.

(h) The amount of any trust fees or other expenses to be charged to the viatical settlement purchaser.

(i) Whether the purchaser is entitled to a refund of all or part of his or her investment under the settlement contract if the policy is later determined to be null and void.

(j) That group policies may contain limitations or caps in the conversion rights; that additional premiums may have to be paid if the policy is converted; the party responsible for the payment of the additional premiums; and, if a group policy is terminated and replaced by another group policy, that there may be no right to convert the original coverage.

(k) The risks associated with policy contestability, including, but not limited to, the risk that the purchaser will have no claim or only a partial claim to death benefits if the insurer rescinds the policy within the contestability period.

(l) Whether the purchaser will be the owner of the policy in addition to being the beneficiary, and if the purchaser is the beneficiary only and not also the owner, the special risks associated with that status, including, but not limited to, the risk that the beneficiary may be changed or the premium may not be paid.

(m) The experience and qualifications of the person who determines the life expectancy of the insured, such as in-house staff, independent physicians, and specialty firms that weigh medical and actuarial data; the information this projection is based on; and the relationship of the projection maker to the viatical settlement provider, if any.

Disclosure to an investor must include distribution of a brochure describing the process of investment in viatical settlements. The NAIC's form for the brochure must be used unless one is developed by the commission. The viatical settlement provider and the viatical settlement sales agent, themselves or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser or purchaser prospect:

(a) That the return represented as being available under the viatical settlement purchase agreement is directly tied to the projected life span of one or more insureds.

(b) If a return is represented, the disclosure shall indicate the projected life span of the insured or insureds whose life or lives are tied to the return.

(c) If required by the terms of the viatical settlement purchase agreement, that the viatical settlement purchaser shall be responsible for the payment of insurance premiums on the life of the insured, late or surrender fees, or other costs related to the life insurance policy on the life of the insured or insureds which may reduce the return.

(d) The amount of any trust fees, commissions, deductions, or other expenses, if any, to be charged to the viatical settlement purchaser.

(e) The name and address of the person responsible for tracking the insured.

(f) That group policies may contain limitations or caps in the conversion rights, that additional premiums may have to be paid if the policy is converted, and that the party responsible for the payment of such additional premiums shall be identified.

(g) That the life expectancy and rate of return are only estimates and cannot be guaranteed.

(h) That the purchase of a viatical settlement contract should not be considered a liquid purchase, since it is impossible to predict the exact timing of its maturity and the funds may not be available until the death of the insured.

(i) The name and address of the person with the responsibility for paying the premium until the death of the insured.

The written disclosure required under this subsection shall be conspicuously displayed in any viatical settlement purchase agreement, and in any solicitation material furnished to the viatical settlement purchaser by such viatical settlement provider, related provider trust, or person, and shall be in contrasting color and in not less than 10-point type or no smaller than the largest type on the page if larger than 10-point type. The commission may adopt by rule the disclosure form to be used. The disclosures need not be furnished in an invitation to inquire, the objective of which is to create a desire to inquire further about entering into a viatical settlement purchase agreement. The invitation to inquire may not quote rates of return, may not include material attendant to the execution of any specific viatical settlement purchase agreement, and may not relate to any specific viator.

Section 4. Subsection (1) of section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) A viatical settlement provider or its viatical settlement investment agent must provide the viatical settlement purchaser with at least the following disclosures no later than at the time of the assignment, transfer, or sale of all or a portion of an insurance policy. The disclosures must be contained in a document signed by the viatical settlement purchaser and viatical settlement provider or viatical settlement investment agent, and the document must make the following disclosures to the viatical settlement purchaser:

(a) All the life expectancy certifications obtained by the provider in the process of determining the price paid to the viator.

(b) Whether premium payments or other costs related to the policy have been escrowed and if escrowed, the date upon which the escrowed funds will be depleted and whether the purchaser will be responsible for payment of premiums thereafter and, if so, the amount of the premiums.

(c) *Whether premium payments or other costs related to the policy have been waived and, if waived, whether the investor will be responsible for payment of the premiums if the insurer that wrote the policy terminates the waiver after purchase and the amount of those premiums.*

(d) *The type of policy offered or sold, i.e. whole life, term life, universal life, or a group policy certificate; any additional benefits contained in the policy; and the current status of the policy.*

(e) *If the policy is term insurance, the special risks associated with term insurance, including, but not limited to, the purchaser's responsibility for additional premiums if the viator continues the term policy at the end of the current term.*

(f) *Whether the policy is contestable.*

(g) *Whether the insurer that wrote the policy has any additional rights that could negatively affect or extinguish the purchaser's rights under the viatical settlement contract, what these rights are, and under what conditions these rights are activated.*

(h) *The name and address of the person responsible for monitoring the insured's condition and a description of how often the monitoring of the insured's condition is done, how the date of death is determined, and how and when this information will be transmitted to the purchaser. No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider and the viatical settlement sales agent, themselves or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:*

(a) ~~All the life expectancy certifications obtained by the provider.~~

(b) ~~The name and address of the insurance company, the policy number, and the date of original issue of the viated policy.~~

(c) ~~The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.~~

(d) ~~The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.~~

(e) ~~The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.~~

(f) ~~The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.~~

Section 5. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to viatical settlements; creating s. 626.99271, F.S.; requiring that a fraud warning be included in viatical settlement agreements; requiring certain persons to report viatical fraud; providing for immunity from civil liability for persons who report viatical fraud; providing that the act does not preempt limit enforcement by other agencies; requiring viatical settlement providers to initiate anti-fraud programs and to submit an anti-fraud plan to the Financial Services Commission; providing for the contents of the anti-fraud plan; creating s. 626.99279, F.S.; providing that advertisements of viatical settlement agreements must be truthful; prohibiting certain specified statements that are misleading; prohibiting advertising from containing or excluding certain information; amending s. 626.99235, F.S.; providing that certain disclosures be made before the agreement documents are signed; amending s. 626.99236, F.S.; requiring that the viatical settlement documents contain certain disclosures; providing an effective date.

The vote was:

Yeas—16

Aronberg
Bennett
Campbell
Dawson
Diaz de la Portilla
Dockery

Geller
Klein
Lawson
Miller
Posey
Rich

Saunders
Siplin
Smith
Wilson

Nays—24

Mr. President
Alexander
Argenziano
Atwater
Baker
Bullard
Carlton
Clary

Constantine
Crist
Fasano
Garcia
Haridopolos
Hill
Jones
King

Lynn
Margolis
Peadar
Pruitt
Sebesta
Villalobos
Webster
Wise

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendments to be considered:

Senator Garcia moved the following amendments which were adopted:

Amendment 2 (751566)—On page 6, delete line 12 and insert: *trust, a financing entity, or a special purpose entity, as those terms are defined in s.*

Amendment 3 (684410)—On page 16, line 24 through page 20, line 7, delete those lines and insert:

(4) *"Life expectancy provider" means a person who determines, or holds himself or herself out as determining, life expectancies or mortality ratings used to determine life expectancies:*

(a) *On behalf of a viatical settlement provider, viatical settlement broker, life agent, or person engaged in the business of viatical settlements;*

(b) *In connection with a viatical settlement investment, pursuant to s. 517.021(22); or*

(c) *On residents of this state in connection with a viatical settlement contract or viatical settlement investment.*

(5)(2) "Person" has the meaning specified in s. 1.01.

(6)(12) "Related form" means any form, created by or on behalf of a licensee, which a viator or viatical settlement purchaser is required to sign or initial. The forms include, but are not limited to, a power of attorney, a release of medical information form, a suitability questionnaire, a disclosure document, or any addendum, schedule, or amendment to a viatical settlement contract or viatical settlement purchase agreement considered necessary by a provider to effectuate a viatical settlement transaction.

(7) "Related provider trust" means a titling trust or other trust established by a licensed viatical settlement provider or financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. The trust must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the office as if those records and files were maintained directly by the licensed viatical settlement provider. This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed

viatical settlement provider shall be included within the name of the related provider trust.

(8)(13) "Special purpose entity" means an entity established by a licensed viatical settlement provider or by a financing entity, which may be a corporation, partnership, trust, limited liability company, or other similar entity formed solely to provide, either directly or indirectly, access to institutional capital markets to a viatical settlement provider or financing entity. A special purpose entity *may not obtain capital from any natural person or entity with less than \$50 million in assets and may shall not enter into a viatical settlement contract or a viatical settlement purchase agreement.*

(9)(3) "Viatical settlement broker" means a person who, on behalf of a viator and for a fee, commission, or other valuable consideration, offers or attempts to negotiate viatical settlement contracts between a viator resident in this state and one or more viatical settlement providers. Notwithstanding the manner in which the viatical settlement broker is compensated, a viatical settlement broker is deemed to represent only the viator and owes a fiduciary duty to the viator to act according to the viator's instructions and in the best interest of the viator. The term does not include an attorney, licensed Certified Public Accountant, or investment adviser lawfully registered under chapter 517, who is retained to represent the viator and whose compensation is paid directly by or at the direction and on behalf of the viator.

(10)(4) "Viatical settlement contract" means a written agreement entered into between a viatical settlement provider, or its related provider trust, and a viator. The viatical settlement contract includes an agreement to transfer ownership or change the beneficiary designation of a life insurance policy at a later date, regardless of the date that compensation is paid to the viator. The agreement must establish the terms under which the viatical settlement provider will pay compensation or anything of value, which compensation or value is less than the expected death benefit of the insurance policy or certificate, in return for the viator's assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the viatical settlement provider. A viatical settlement contract also includes a contract for a loan or other financial transaction secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the life insurance contract, or a loan secured by the cash value of a policy.

(11) "Viatical settlement investment" has the same meaning as specified in s. 517.021.

(12)(5) "Viatical settlement provider" means a person who, in this state, from this state, or with a resident of this state, effectuates a viatical settlement contract. The term does not include:

(a) Any bank, savings bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a life insurance policy as collateral for a loan.

(b) A life and health insurer that has lawfully issued a life insurance policy that provides accelerated benefits to terminally ill policyholders or certificateholders.

(c) Any natural person who enters into no more than one viatical settlement contract with a viator in 1 calendar year, unless such natural person has previously been licensed under this act or is currently licensed under this act.

(d) A trust that meets the definition of a "related provider trust."

(e) A viator in this state.

~~(f) A viatical settlement purchaser.~~

~~(f)(g)~~ A financing entity.

(13)(11) "Viaticated policy" means a life insurance policy, or a certificate under a group policy, which is the subject of a viatical settlement contract.

(14)(6) "Viator" means the owner of a life insurance policy or a certificateholder under a group policy, *which policy is not a previously viaticated policy*, who enters or seeks to

Amendment 4 (380218)(with title amendment)—On page 21, line 19 through page 27, line 25, delete those lines and insert:

Section 15. Paragraph (f) of subsection (3) of section 626.9912, Florida Statutes, is amended, present paragraph (g) of that subsection is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection, and subsection (4) of that section is amended to read:

626.9912 Viatical settlement provider license required; application for license.—

(3) In the application, the applicant must provide all of the following:

(f) All applications, viatical settlement contract forms, ~~viatical settlement purchase agreement forms~~, escrow forms, and other related forms proposed to be used by the applicant.

(g) *A general description of the method the viatical settlement provider will use in determining life expectancies, including a description of the applicant's intended receipt of life expectancies, the applicant's intended receipt of life expectancies, the applicant's intended use of life expectancy providers, and the written plan or plans of policies and procedures used to determine life expectancies.*

(4) The office may not issue a license to an entity other than a natural person if it is not satisfied that all officers, directors, employees, stockholders, partners, and any other persons who exercise or have the ability to exercise effective control of the entity or who have the ability to influence the transaction of business by the entity meet the standards of this act and have not violated any provision of this act or rules of the commission related to the business of viatical settlement contracts ~~or viatical settlement purchase agreements~~.

Section 16. Section 626.9913, Florida Statutes, is amended to read:

626.9913 Viatical settlement provider license continuance; annual report; fees; deposit.—

(1) A viatical settlement provider license continues in force until suspended or revoked.

(2) Annually, on or before March 1, the viatical settlement provider licensee shall file a statement containing information the commission requires and shall pay to the office a license fee in the amount of \$500. *The annual statement shall include audited financial statements prepared in accordance with generally accepted accounting principles by an independent certified public accountant as of the last day of the preceding calendar year. If the audited financial statement has not been completed, however, the licensee shall include in its annual statement an unaudited financial statement and an affidavit from an officer of the licensee stating that the audit has not been completed. In this event, the licensee shall submit the audited statement on or before June 1. The annual statement shall also provide the office with a report of all life expectancy providers who have provided life expectancies directly or indirectly to the viatical settlement provider for use in connection with a viatical settlement contract or a viatical settlement investment.* A viatical settlement provider shall include in all statements filed with the office all information requested by the office regarding a related provider trust established by the viatical settlement provider. The office may require more frequent reporting. Failure to timely file the annual statement or to timely pay the license fee is grounds for immediate suspension of the license.

(3) *To ensure the faithful performance of its obligations to its viators in the event of insolvency or the loss of its license, a viatical settlement provider licensee must deposit and maintain deposited in trust with the department securities eligible for deposit under s. 625.52, having at all times a value of not less than \$100,000; however, a viatical settlement provider licensed in this state prior to June 1, 2004, which has deposited and maintains continuously deposited in trust with the department securities in the amount of \$25,000 and which posted and maintains continuously posted a security bond acceptable to the department in the amount of \$75,000, has until June 1, 2005, to comply with the requirements of this subsection. As an alternative to meeting the \$100,000 deposit requirement, the provider may deposit and maintain deposited in trust with the department such securities in the amount of \$25,000 and post with the office a surety bond acceptable to the office in the amount of \$75,000.*

(4) There shall be no additional annual license fee or deposit requirements under this act for a related provider trust established by a viatical settlement provider.

(5) *A judgment creditor or other claimant of a viatical settlement provider does not have the right to levy upon any of the assets or securities held in this state pursuant to this section.*

And the title is amended as follows:

On page 2, lines 20 and 21, delete those lines and insert: amending s. 626.9914, F.S.;

Amendment 5 (242896)—On page 28, lines 24-26, delete those lines and insert: this act; or

(j) No longer meets the requirements for initial licensure; or;

(k) *Obtains or utilizes life expectancies from life expectancy providers who are not registered with the office pursuant to this act.*

Amendment 6 (473486)—On page 29, lines 1 and 20, and on page 30, line 29, delete “2005” and insert: 2006

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment:

Amendment 7 (150506)(with title amendment)—On page 33, line 17 through page 40, line 31, delete those lines and insert:

Section 19. Section 626.99175, Florida Statutes, is created to read:

626.99175 *Life expectancy providers; registration required; denial, suspension, revocation.*—

(1) *After July 1, 2006, a person may not perform the functions of a life expectancy provider without first having registered as a life expectancy provider, except as provided in subsection (6).*

(2) *Application for registration as a life expectancy provider must be made to the office by the applicant on a form prescribed by the office, under oath and signed by the applicant. The application must be accompanied by a fee of \$500.*

(3) *A completed application shall be evidenced on a form and in a manner prescribed by the office and shall require the registered life expectancy provider to update such information and renew such registration as required by the office.*

(4) *In the application, the applicant must provide all of the following:*

(a) *The full name, age, residence address, and business address, and all occupations engaged in by the applicant during the 5 years preceding the date of the application.*

(b) *A copy of the applicant's basic organizational documents, if any, including the articles of incorporation, articles of association, partnership agreement, trust agreement, or other similar documents, together with all amendments to such documents.*

(c) *Copies of all bylaws, rules, regulations, or similar documents regulating the conduct of the applicant's internal affairs.*

(d) *A list showing the name, business and residence addresses, and official position of each individual who is responsible for conduct of the applicant's affairs, including, but not limited to, any member of the board of directors, board of trustees, executive committee, or other governing board or committee and any other person or entity owning or having the right to acquire 10 percent or more of the voting securities of the applicant, and any person performing life expectancies by the applicant.*

(e) *A sworn biographical statement on forms supplied by the office with respect to each individual identified under paragraph (d), including whether such individual has been associated with any other life expectancy provider or has performed any services for a person in the business of viatical settlements.*

(f) *A sworn statement of any criminal and civil actions pending or final against the registrant or any individual identified under paragraph (d).*

(g) *A general description of the following policies and procedures covering all life expectancy determination criteria and protocols:*

1. *The plan or plans of policies and procedures used to determine life expectancies.*

2. *A description of the training, including continuing training, of the individuals who determine life expectancies.*

3. *A description of how the life expectancy provider updates its manuals, underwriting guides, mortality tables, and other reference works and ensures that the provider bases its determination of life expectancies on current data.*

(h) *A plan for assuring confidentiality of personal, medical, and financial information in accordance with federal and state laws.*

(i) *An anti-fraud plan as required pursuant to s. 626.99278.*

(j) *A list of any agreements, contracts, or any other arrangement to provide life expectancies to a viatical settlement provider, viatical settlement broker, or any other person in the business of viatical settlements in connection with any viatical settlement contract or viatical settlement investment.*

(5) *As part of the application, and on or before March 1 of every 3 years thereafter, a registered life expectancy provider shall file with the office an audit of all life expectancies by the life expectancy provider for the 5 calendar years immediately preceding such audit, which audit shall be conducted and certified by a nationally recognized actuarial firm and shall include only the following:*

(a) *A mortality table.*

(b) *The number, percentage, and an actual-to-expected ratio of life expectancies in the following categories: life expectancies of less than 24 months, life expectancies of 25 months to 48 months, life expectancies of 49 months to 72 months, life expectancies of 73 months to 108 months, life expectancies of 109 months to 144 months, life expectancies of 145 months to 180 months, and life expectancies of more than 180 months.*

(6) *The life expectancy provider who is a subsidiary or affiliate of an insurance company licensed in this state shall be deemed to meet the registration requirements of this section and may provide life expectancies or operate as a life expectancy provider pursuant to this act.*

(7) *No viatical settlement broker, viatical settlement provider, or insurance agent in the business of viatical settlements in this state shall directly or indirectly own or be an officer, director, or employee of a life expectancy provider.*

(8) *Each registered life expectancy provider shall provide the office, as applicable, at least 30 days' advance notice of any change in the registrant's name, residence address, principal business address, or mailing address.*

(9) *A person required to be registered by this section shall for 5 years retain copies of all life expectancies and supporting documents and medical records unless those personal medical records are subject to different retention or destruction requirements of a federal or state personal health information law.*

(10) *An application for life expectancy provider registration shall be approved or denied by the commissioner within 60 calendar days following receipt of a completed application by the commissioner. The office shall notify the applicant that the application is complete. A completed application that is not approved or denied in 60 calendar days following its receipt shall be deemed approved.*

(11) *The office may, in its discretion, deny the application for a life expectancy provider registration or suspend, revoke, or refuse to renew or continue the registration of a life expectancy provider if the office finds:*

(a) *Any cause for which registration could have been refused had it then existed and been known to the office;*

(b) A violation of any provision of this code or of any other law applicable to the applicant or registrant;

(c) A violation of any lawful order or rule of the department, commission, or office; or

(d) That the applicant or registrant:

1. Has been found guilty of or pled guilty or *nolo contendere* to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country;

2. Has knowingly and willfully aided, assisted, procured, advised, or abetted any person in the violation of a provision of the insurance code or any order or rule of the department, commission, or office;

3. Has knowingly and with intent to defraud, provided a life expectancy that does not conform to an applicant's or registrant's general practice;

4. Does not have a good business reputation or does not have experience, training, or education that qualifies the applicant or registrant to conduct the business of a life expectancy provider; or

5. Has demonstrated a lack of fitness or trustworthiness to engage in the business of issuing life expectancies.

(12) The office may, in lieu of or in addition to any suspension or revocation, assess an administrative fine not to exceed \$2,500 for each nonwillful violation or \$10,000 for each willful violation by a registered life expectancy provider. The office may also place a registered life expectancy provider on probation for a period not to exceed 2 years.

(13) It is a violation of this section for a person to represent, orally or in writing, that a life expectancy provider's registration pursuant to this act is in any way a recommendation or approval of the entity or means that the qualifications or abilities have in any way been approved of.

Section 20. Section 626.9919, Florida Statutes, is amended to read:

626.9919 Notice of change of licensee or registrant's address or name.—Each viatical settlement provider licensee and registered life expectancy provider, ~~viatical settlement broker licensee, and viatical settlement sales agent licensee~~ must provide the office or department, as applicable, at least 30 days' advance notice of any change in the licensee's or registrant's name, residence address, principal business address, or mailing address.

Section 21. Section 626.992, Florida Statutes, is amended to read:

626.992 Use of licensed viatical settlement providers, viatical settlement licensed brokers, and registered life expectancy providers, ~~and sales agents~~ required.—

(1) A licensed viatical settlement provider may not use any person to perform the functions of a viatical settlement broker as defined in this act unless such person holds a current, valid life agent license and has appointed himself or herself in conformance with this chapter as a ~~viatical settlement broker~~. Salaried individuals employed by viatical settlement providers shall engage in viatical settlement broker activities only when accompanied by a viatical settlement broker who holds a current valid license issued under this act. A viatical settlement provider may not use any person to perform the functions of a viatical settlement sales agent unless the person holds a current, valid license as provided in subsection (4).

(2) A licensed viatical settlement broker may not use any person to perform the functions of a viatical settlement provider as defined in this act unless such person holds a current, valid license as a viatical settlement provider.

(3) After July 1, 2006, a person may not operate as a life expectancy provider unless such person is registered as a life expectancy provider pursuant to this act. A viatical settlement sales agent may not use any person to perform the functions of a viatical settlement broker unless such person holds a current, valid license as a viatical settlement broker.

(4) After July 1, 2006, a viatical settlement provider, viatical settlement broker, or any other person in the business of viatical settlements

may not obtain life expectancies from a person who is not registered as a life expectancy provider pursuant to this act. ~~A person may not perform the functions of a viatical settlement sales agent unless licensed as a life agent as defined in s. 626.015 and as provided in this chapter.~~

Section 22. Subsections (1) and (2) of section 626.9921, Florida Statutes, are amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, ~~viatical settlement purchase agreement form~~, escrow form, or related form may be used in this state only after the form has been filed with the office and only after the form has been approved by the office.

(2) The viatical settlement contract form, ~~viatical settlement purchase agreement form~~, escrow form, or related form must be filed with the office at least 60 days before its use. The form is considered approved on the 60th day after its date of filing unless it has been previously disapproved by the office. The office must disapprove a viatical settlement contract form, ~~viatical settlement purchase agreement form~~, escrow form, or related form that is unreasonable, contrary to the public interest, discriminatory, or misleading, or unfair to the viator or the purchaser.

Section 23. Subsection (2) of section 626.9922, Florida Statutes, is amended, and subsections (5), (6), and (7) are added to said section, to read:

626.9922 Examination.—

(2) All accounts, books and records, documents, files, contracts, and other information relating to all transactions of viatical settlement contracts, life expectancies, or viatical settlement purchase agreements made before July 1, 2005, must be maintained by the licensee for a period of at least 3 years after the death of the insured and must be available to the office or department for inspection during reasonable business hours.

(5) The office has jurisdiction over all viatical settlement purchase agreements made before July 1, 2005, including, but not limited to, the authority to examine persons in possession of records relating to viatical settlement purchase agreements made before July 1, 2005, and that authority set forth in s. 624.319.

(6) If the office makes the determination that a viatical settlement provider does not have the financial ability to perform its present or future obligations under the viatical settlement purchase agreements made before July 1, 2005, the office shall make a referral to the United States Securities and Exchange Commission or the Office of Financial Regulation for further administrative action pursuant to s. 517.191, including, but not limited to, the appointment of a receiver by the court.

(7) Subsections (1), (2), (3), and (4) apply to life expectancy providers providing life expectancies in the state and providing life expectancies to viatical settlement providers in the state, as if life expectancy providers were licensees.

Section 24. Section 626.99245, Florida Statutes, is amended to read:

626.99245 Conflict of regulation of viaticals.—

(1) ~~A viatical settlement provider who from this state enters into a viatical settlement purchase agreement with a purchaser who is a resident of another state that has enacted statutes or adopted regulations governing viatical settlement purchase agreements, shall be governed in the effectuation of that viatical settlement purchase agreement by the statutes and regulations of the purchaser's state of residence. If the state in which the purchaser is a resident has not enacted statutes or regulations governing viatical settlement purchase agreements, the provider shall give the purchaser notice that neither Florida nor his or her state regulates the transaction upon which he or she is entering. For transactions in these states, however, the viatical settlement provider is to maintain all records required as if the transactions were executed in Florida. However, the forms used in those states need not be approved by the office.~~

(1)(2) A viatical settlement provider who from this state enters into a viatical settlement contract with a viator who is a resident of another

state that has enacted statutes or adopted regulations governing viatical settlement contracts shall be governed in the effectuation of that viatical settlement contract by the statutes and regulations of the viator's state of residence. If the state in which the viator is a resident has not enacted statutes or regulations governing viatical settlement agreements, the provider shall give the viator notice that neither Florida nor his or her state regulates the transaction upon which he or she is entering. For transactions in those states, however, the viatical settlement provider is to maintain all records required as if the transactions were executed in Florida. The forms used in those states need not be approved by the office.

(2)(3) This section does not affect the requirement of ss. 626.9911(12)(5) and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the office. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts ~~and effectuating viatical settlement purchase agreements~~ from offices in this state, regardless of the state of residence of the viator ~~or the viatical settlement purchaser~~.

(4) ~~The offer, sale, and purchase of viatical settlement contracts, and the regulation of viatical settlement providers shall be within the exclusive jurisdiction of the Office of Insurance Regulation under the provisions of this part.~~

Section 25. Section 626.9925, Florida Statutes, is amended to read:

626.9925 Rules.—The commission may adopt rules to administer this act, including rules establishing standards for evaluating advertising by licensees; rules providing for the collection of data, for disclosures to viators ~~or purchasers~~, and for the reporting of life expectancies ~~and for the registration of life expectancy providers~~; and rules defining terms used in this act and prescribing recordkeeping requirements relating to executed viatical settlement contracts ~~and viatical settlement purchase agreements~~.

Section 26. Section 626.9926, Florida Statutes, is amended to read:

626.9926 Rate regulation not authorized.—Nothing in this act shall be construed to authorize the office or department to directly or indirectly regulate the amount paid as consideration for entry into a viatical settlement contract ~~or viatical settlement purchase agreement~~.

Section 27. Subsection (1) of section 626.9927, Florida Statutes, is amended to read:

626.9927 Unfair trade practices; cease and desist; injunctions; civil remedy.—

(1) A violation of this act is an unfair trade practice under ss. 626.9521 and 626.9541 and is subject to the penalties provided in the insurance code. Part IX X of this chapter, *entitled Unfair Insurance Trade Practices*, applies to a licensee under this act or a transaction subject to this act as if a viatical settlement contract ~~and a viatical settlement purchase agreement~~ were an insurance policy.

Section 28. Paragraph (b) of subsection (1) of section 626.99275, Florida Statutes, is amended, paragraph (d) is added to that subsection, and subsection (2) of that section is reenacted, to read:

626.99275 Prohibited practices; penalties.—

(1) It is unlawful for any person:

(b) *To knowingly or with the intent to defraud, for the purpose of depriving another of property or for pecuniary gain, issue or use a pattern of false, misleading, or deceptive life expectancies. In the solicitation or sale of a viatical settlement purchase agreement:*

1. ~~To employ any device, scheme, or artifice to defraud;~~

2. ~~To obtain money or property by means of an untrue statement of a material fact or by any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or~~

3. ~~To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a person.~~

(d) *To knowingly or intentionally facilitate the change of state of residency of a viator to avoid the provisions of this chapter.*

(2) A person who violates any provision of this section commits:

(a) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the insurance policy involved is valued at any amount less than \$20,000.

(b) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the insurance policy involved is valued at \$20,000 or more, but less than \$100,000.

(c) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the insurance policy involved is valued at \$100,000 or more.

Section 29. Section 626.99278, Florida Statutes, is amended to read:

626.99278 Viatical provider anti-fraud plan.—Every licensed viatical settlement provider and *registered life expectancy provider* ~~viatical settlement broker~~ must adopt an anti-fraud plan and file it with the Division of Insurance Fraud of the department ~~on or before December 1, 2000~~. Each anti-fraud plan shall include:

(1) A description of the procedures for detecting and investigating possible fraudulent acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(2) A description of the procedures for the mandatory reporting of possible fraudulent insurance acts *and prohibited practices set forth in s. 626.99275* to the Division of Insurance Fraud of the department;

(3) A description of the plan for anti-fraud education and training of its underwriters or other personnel; ~~and~~

(4) A written description or chart outlining the organizational arrangement of the anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts; and *for the investigation of investigating* unresolved material inconsistencies between medical records and insurance applications.

(5) *For viatical settlement providers, a description of the procedures used to perform initial and continuing review of the accuracy of life expectancies used in connection with a viatical settlement contract or viatical settlement investment.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 3-20, delete those lines and insert: creating s. 626.99175, F.S.; requiring registration to operate as a life expectancy provider; providing registration for requirements; requiring certain application information; requiring registered life expectancy providers to periodically file audits with the office; providing audit requirements; authorizing certain subsidiaries of life expectancy providers to operate as a provider under certain circumstances; prohibiting certain providers, brokers, and agents from owning or being an officer, director, or employee of a life expectancy provider; requiring providers to provide the office with advance notice of certain changes; requiring providers to retain copies of certain information and documents; providing an exception; providing procedures for approval or denial of applications; specifying grounds for denial of an application; authorizing the office to assess administrative fines under certain circumstances; authorizing the office to place a provider on probation for a certain period; specifying certain activities violations; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising prohibited practices to apply to issuing life expectancies and change a viator's residency for certain purposes; providing a criminal penalty; amending s. 626.99278, F.S.; providing for application to registered life expectancy providers; requiring an anti-fraud plan to include a description of procedures used to perform life expectancy accuracy reviews;

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment to **Amendment 7** which was adopted:

Amendment 7A (820450)—On page 4, lines 13-17, delete those lines and redesignate subsequent subsections.

Amendment 7 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2412** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, the Senate resumed consideration of—

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of unstamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a “criminal activity” and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **HB 205** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill, the Senate resumed consideration of—

CS for SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (590580)** by Senator Klein was withdrawn.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment which failed:

Amendment 2 (273638)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Office of Program Policy Analysis and Government Accountability shall conduct a study to determine whether practices of law enforcement agencies in this state with respect to enforcing laws and rules requiring the use of seat belts in motor vehicles demonstrate a pattern of racial profiling. If the office finds that racial profiling exists, it shall recommend methods to eliminate the practice. The office shall present its report and, if necessary, its recommendations to the President of the Senate and the Speaker of the House of Representatives by February 1, 2006.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicle safety belt usage; directing the Office of Program Policy Analysis and Government Accountability to study whether racial profiling occurs in the enforcement of statutes and rules relating to seat belt usage; providing for recommendations; providing for a report to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 216** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Garcia, by two-thirds vote **SB 790, SB 1192, SB 1992, SB 2038, SB 2052** and **SB 2414** were withdrawn from the committees of reference and further consideration.

On motion by Senator Saunders, by two-thirds vote **SB 480, SB 674, SJR 682, SJR 684, SB 1116** and **SB 2218** were withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 1110, CS for SB 638, CS for SB 1082, CS for SB 1098** and **CS for CS for SB 1272** were withdrawn from the Committee on Rules and Calendar; **CS for SB 2070** and **SB 2288** were withdrawn from the Committee on Ways and Means; **CS for SB 1906** was withdrawn from the Committee on Community Affairs; **SB 598, SB 1250, CS for SB 1294** and **CS for CS for SB 1716** were withdrawn from the Committee on Education Appropriations; **CS for SB 108, CS for SB 332, CS for CS for SB 444** and **CS for CS for SB 632** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 1316** and **CS for SB 1996** were withdrawn from the Committee on Government Efficiency Appropriations; **SB 112, CS for SB 352, SB 1032** and **CS for SB 1696** were withdrawn from the Committee on Health and Human Services Appropriations; and **CS for SB 1096** and **CS for SB 1428** were withdrawn from the Committee on Justice Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day beginning fifteen minutes after announcement until completion.

MOTIONS

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 28.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 27, 2005: CS for CS for SB 202, SB 550, CS for SB 1262, CS for SB 1884, CS for CS for CS for SB 1784, CS for CS for CS for SB 1026, CS for SB 274, CS for CS for SB 620, SB 1360, CS for CS for SB 874, CS for CS for SB's 1872 and 2378, SB 726, SB 2460, CS for CS for SB 926, CS for CS for SB 1650, CS for SB 514, CS for CS for SB 1910, CS for CS for SB 1308, CS for SB 2220, CS for CS for CS for SB 1366, CS for SB 484, CS for SB 2364, SB 288, CS for SB 1808, CS for SB 896, CS for SB 1154, CS for SB 1748, CS for SB 2216, CS for SB 124, CS for SB 680, CS for SB 2278, CS for SB's 1268 and 1956, SB 1502, CS for CS for SB 518, CS for SB 2412, CS for CS for SB 662, CS for SB 1602, SB 102, CS for SB 822, SB 468, CS for CS for SB 816, SB 1448, CS for SB 898, CS for SB 658, CS for CS for SB 1526, CS for CS for SB 192, CS for SB 976, CS for SB 720, CS for SB 2006, CS for SB 530, SB 752, CS for SB 1300, CS for CS for SB 1914, SB 498, CS for SB 510, CS for SB 1920, CS for SB 890, CS for SB 216, CS for SB 768, CS for SB 276, CS for CS for SB 758, SB 2268, CS for SB 1576, HB 1889, HB 1899

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Health Care recommends the following pass: SB 764

The bill was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 982

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1744

The Committee on Transportation recommends the following pass: SB 2524 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends the following pass: SB 860

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Judiciary recommends the following pass: SJR 78

The bill was referred to the Committee on Domestic Security under the original reference.

The Committee on Education recommends the following pass: SB 1970, SB 2604 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1444

The bills contained in the foregoing reports were referred to the Committee on Education Appropriations under the original reference.

The Committee on Health Care recommends the following pass: CS for SB 560

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1624

The Committee on Judiciary recommends the following pass: CS for SB 2638

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Education recommends the following pass: SB 788 with 1 amendment, CS for SB 1188

The Committee on Transportation recommends the following pass: SB 2442

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 2516, CS for SB 2612

The Committee on Health Care recommends the following pass: SB 2572 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1052, CS for SJR 1190, SB 2504

The Committee on Health Care recommends the following pass: CS for SB 2262

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 608, CS for SB 1466

The Committee on Judiciary recommends the following pass: CS for SB 2056

The bills contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1628, CS for SB 1922

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 2476 with 2 amendments

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Appropriations recommends the following pass: CS for SB 1458

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1306 with 2 amendments, CS for SB 1732

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 214, CS for SB 1768

The Committee on General Government Appropriations recommends the following pass: CS for SB 1232, SB 2148

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 308, CS for SB 2286

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 1208, CS for SB 1926, CS for SB 2630

The Committee on Health Care recommends the following pass: SB 1042, SB 1800, CS for SB 2214, SB 2452

The Committee on Judiciary recommends the following pass: CS for SB 1124, CS for SB 1420, CS for SB 1492 with 1 amendment, CS for SB 2036, SB 2118 with 1 amendment

The Committee on Justice Appropriations recommends the following pass: CS for SB 282, CS for CS for SB 1978

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 2152, CS for SB 2222

The Committee on Ways and Means recommends the following pass: SB 1620

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health Care recommends the following not pass: SB 2556

The bill was laid on the table.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 2348

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2332

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2062

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: CS for SB 978

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 2120, SB 2190

The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: CS for CS for SB 750, CS for SB 2330

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 1866

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1830

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2546

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 812, SB 1626

The Committee on Transportation recommends a committee substitute for the following: SB 2488

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2636

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1480

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1736

The Committee on Ethics and Elections recommends a committee substitute for the following: SCR 2024

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1196

The Committee on Regulated Industries recommends committee substitutes for the following: SB 948, SB 2360

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 794

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 798

The Committee on Transportation recommends committee substitutes for the following: SB 1100, SB 2620

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 676, CS for SB 1142, CS for SB 1810

The bills with committee substitutes attached were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for CS for SB 1598

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1120

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB's 1296 and CS for SB 2066

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 696

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 992, SB 2256

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 1348, CS for SB 2550

The Committee on Criminal Justice recommends committee substitutes for the following: CS for SB 1964, CS for CS for SB 2346

The Committee on Education Appropriations recommends a committee substitute for the following: CS for SJR 2090

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 716

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for SB 2072 and SB 1714

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: SB 1024, CS for CS for SB 2068

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 1478, SB 2344, SB 2398

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 428, SB 546, CS for SB 1264, CS for CS for SB 1314, SB 1498, CS for SB 2570

The Committee on Health Care recommends committee substitutes for the following: CS for SB 594, SB 1180, CS for SB 1654, CS for SB 1766, SB 2230

The Committee on Judiciary recommends committee substitutes for the following: SB 2564, SB 2568

The Committee on Justice Appropriations recommends a committee substitute for the following: CS for SB 782

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1470

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 72, SB 74, CS for CS for SB 460, CS for CS for SB 1062, SB 1756

The Committee on Ways and Means recommends committee substitutes for the following: SB 60, CS for CS for SB 1174

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senators Campbell and Fasano—

CS for SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; making an appropriation to the Department of Law Enforcement; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Geller and Klein—

CS for SB 72—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the grant program to be funded by legislative appropriations; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Geller and Klein—

CS for SB 74—A bill to be entitled An act relating to trust funds; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senator Rich—

CS for CS for SB 428—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a model waiver program to serve children with specified disorders; requiring the agency to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

CS for CS for CS for SB 460—A bill to be entitled An act relating to transportation; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 322.14, F.S.; reducing the number of members of the Secure Airports for Florida's Economy (SAFE) Council; providing for the funding of the council through annual grants made by the Department of Transportation; authorizing the council to contract for administrative support; requiring the council to establish an advisory board; authorizing the council to advise the department on aviation issues; removing the Department of Community Affairs from the review of council products; eliminating the requirement that airports fund the council; abolishing the council by a specified date; amending s. 337.11, F.S.; adding written work orders to the type of documents covered by the department's contracting laws; specifying changes to surety bondholder's liability under certain circumstances; creating s. 337.195, F.S.; providing presumptions relating to liability in certain actions against the department; limiting liability, in certain circumstances, of contractors and engineers doing work for the department; amending 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending 339.175, F.S.; requiring metropolitan planning organizations to have recorded roll-votes and super-majority votes on certain plans; amending s. 339.64, F.S.; requiring the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report to the Governor and the Legislature by a certain time period; directing the department to coordinate with federal, regional, and local entities for transportation planning that impacts military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Strategic Intermodal Transportation Advisory Council; deleting obsolete provisions; creating part IV of chapter 343, F.S., entitled "Northwest Florida Transportation Corridor Authority"; providing a short title; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the department; authorizing the authority to appoint the department as its agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 380.06, F.S., relating to developments of regional impact; deleting a provision stating criteria for determining when a change to certain airports necessitates a review; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the State Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Smith—

CS for SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; providing an effective date.

By the Committees on Health Care; Banking and Insurance; and Senator Fasano—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Saunders—

CS for SB 676—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share with each other relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Smith, Haridopolos, Fasano, Argenziano and Bullard—

CS for SB 696—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.; making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross-reference to conform; providing an effective date.

By the Committees on Environmental Preservation; Community Affairs; and Senators Argenziano and Haridopolos—

CS for CS for SB 716—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; reducing the period within which an owner of agricultural land must provide notice of a claim prior to filing an action against a governmental entity regarding private property rights; amending s. 163.3162, F.S.; providing for application for an amendment to the local comprehensive plan by the owner of land that meets certain provisions of the definition of an agricultural enclave; providing requirements relating to such applications; exempting certain amendments from specified rules of the Department of Community Affairs under certain circumstances; amending s. 163.3164, F.S.; defining the term "agricultural enclave" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water-

source options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

By the Committees on Criminal Justice; Judiciary; Regulated Industries; and Senator Baker—

CS for CS for CS for SB 750—A bill to be entitled An act relating to talent agencies and advance-fee talent services; repealing part VII of ch. 468, F.S., relating to the regulation of talent agencies; prescribing authority of local governments with respect to regulation of talent agencies; providing definitions; requiring each talent agency and advance-fee talent service to obtain a surety bond for a specified amount; requiring each talent agency and advance-fee talent service to give each artist a copy of the bond; providing criminal penalties for failing to comply with the bonding requirements; requiring each talent agency and advance-fee talent service to maintain a permanent office during certain specified hours; directing that certain records, with specified information in them, be kept for each artist; requiring that records be maintained for a specified period; directing that all records of a talent agency and advance-fee talent service be open to the inspection of a state attorney; requiring that the talent agency or advance-fee talent service give the state attorney a copy of the records when so requested; providing criminal penalties if the talent agency or advance-fee talent service fails or refuses to disclose information to a state attorney; providing criminal penalties for failing to properly maintain an office or failing to comply with the requirements pertaining to records; directing a talent agency or advance-fee talent service to post an itemized schedule of maximum fees, charges, or commissions that it intends to charge and collect for its services; providing for the location for posting of the schedule; providing criminal penalties for failing to include or post the fee schedule; requiring that an artist and a talent agency or advance-fee talent service enter into a written contract when such entity agrees to perform services for the artist; providing an exception under specified circumstances; providing for the content of the written contract; requiring that a talent agency or advance-fee talent service provide each artist with a copy of the contract; directing that all money collected by a talent agency from an employer or buyer be paid to the artist within a specified period; providing that a contract is voidable under certain circumstances; permitting an artist to cancel a contract by giving written notice of the cancellation to the talent agency or advance-fee talent service within a specified period; prohibiting an artist from waiving the right to cancel a contract; providing the way in which a talent agency or advance-fee talent service must refund money to an artist; providing criminal penalties for violating provisions relating to contracting; requiring any person who holds himself or herself out as an employee or agent of a talent agency or advance-fee talent service to submit fingerprints for background screening requirements; directing that a talent agency or advance-fee talent service provide each artist with a copy of the screening results; providing criminal penalties for not complying with fingerprint screening procedures; specifying certain prohibited acts by a talent agency or advance-fee talent service; providing criminal penalties for failure to comply; providing for certain specified civil remedies for violations of the act; removing the authority of the Department of Business and Professional Regulation to regulate talent agencies; providing for the use of certain funds after the effective date of the act; requiring the department to rebate talent agency license fees; authorizing the department to continue to prosecute any legal proceedings and related administrative cases that are pending on the effective date of the act; providing an effective date.

By the Committees on Justice Appropriations; Criminal Justice; and Senators Campbell and Bullard—

CS for CS for SB 782—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or

alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

By the Committees on Criminal Justice; Regulated Industries; and Senators Haridopolos and Lynn—

CS for CS for SB 794—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.61, F.S.; providing a definition of the term “alcohol-vaporizing devices”; prohibiting the sale, purchase, or use of machines or devices which vaporize alcohol; providing penalties; providing a fine; providing an exception; creating s. 563.09, F.S.; permitting certain licensees to conduct malt beverage tastings; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Webster and Fasano—

CS for SB 798—A bill to be entitled An act relating to public records; amending s. 390.01116, F.S.; providing a public-records exemption for information that could identify a minor which is contained in a record held by the court relating to a minor’s petition to waive notice requirements when terminating a pregnancy; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

By the Committee on Criminal Justice; and Senators Argenziano and Fasano—

CS for SB 812—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; authorizing certain employees to purchase additional retirement credit to upgrade prior service as a community-based correctional probation officer to Special Risk Class service; providing for the calculation of contributions for such service upgrade; providing that purchased credit shall be used to satisfy the member’s normal retirement date; authorizing the employer to purchase such additional credit for the employee; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; providing an effective date.

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 948—A bill to be entitled An act relating to community associations; directing the Advisory Council on Condominiums to hold public hearings and prepare and present a report to the Legislature regarding certain issues relating to the powers of condominium associations during catastrophic windstorm events and the recovery and rebuilding following such events; amending s. 720.305, F.S.; providing that a fine levied by a homeowners’ association against a homeowner shall not become a lien against a parcel unless it is imposed for violations of use restrictions on the land; amending s. 720.311, F.S.; providing that the failure of a party to make payment of fees and costs or appear for a mediation session or arbitration proceeding acts as an impasse in the proceeding and entitles the other party to proceed in court and to receive and enforce an award of costs and fees associated with the mediation or arbitration; deleting the training hours required for certification of mediators and arbitrators; providing that qualifications for certification as a mediator or arbitrator will be established by the Florida Supreme Court; deleting a provision requiring the initial costs of educating homeowners and other parties about homeowners’ associations and the use

of alternative dispute resolution techniques to be paid from moneys and filing fees generated by the arbitration of recall and election disputes and by the mediation of those disputes; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

By the Committees on Commerce and Consumer Services; Judiciary; and Senators Campbell and Aronberg—

CS for CS for SB 978—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term “personal identification information”; defining the term “counterfeit or fictitious personal identification information”; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of security under certain circumstances; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Smith, Lynn and Lawson—

CS for SB 992—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; amending s. 112.363, F.S.; defining the term “the member begins drawing retirement benefits” for purposes of determining eligibility for the subsidy; revising the method of calculating the subsidy amount for certain retirees and beneficiaries; providing an effective date.

By the Committees on Government Efficiency Appropriations; and Commerce and Consumer Services—

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the “Certified Capital Company Act”; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as “Program One” and “Program Two”; providing editorial and conforming

changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Criminal Justice; and Domestic Security—

CS for CS for CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing legislative intent relating to mitigation of operational security costs at seaports; requiring the department to apply such intent; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; defining the term “restricted access area”; providing for designation of part or all of a seaport as a restricted access area under certain emergency conditions; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor’s Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

By the Committee on Transportation; and Senator Lynn—

CS for SB 1100—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; providing that the theft of property that has been deployed by a law enforcement officer is grand theft in the first degree; providing criminal penalties; creating s. 812.0147, F.S.; providing that it is a second-degree felony to possess or use a fifth wheel to commit or attempt to commit theft; providing criminal penalties; amending s. 812.155, F.S.; deleting a provision specifying that the prohibition against obtaining personal property or equipment with intent to defraud does not apply to a rental-purchase agreement unless the rental store retains title to the property or equipment throughout the period of the rental-purchase agreement; amending s. 921.0022, F.S.; classifying the offense of stealing property deployed by a law enforcement officer under the offense severity ranking chart of the Criminal Punishment Code; reenacting s. 985.227(1)(a), F.S., relating to prosecution of juveniles as adults, in order to incorporate the amendment to s. 812.014, F.S., in a reference thereto; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Haridopolos—

CS for CS for SB 1120—A bill to be entitled An act relating to the Financial Literacy Council; creating the council; providing purposes; providing for membership; providing for meetings, procedures, records, and reimbursement for travel and per diem expenses; prohibiting compensation for council members; providing powers and duties of the council; providing for resources of the council; requiring any funds received by the council to be deposited in the Administrative Trust Fund; requir-

ing annual reports to the Governor and Legislature; providing authorization for the expenditure of grant funds; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senator Argenziano—

CS for CS for SB 1142—A bill to be entitled An act relating to public records and public meetings; creating an exemption from public-records requirements for trade secrets held by an agency; requiring that a written declaration be submitted to the agency verifying that the information is a trade secret; specifying requirements for such declaration; providing for retroactive application of the public-records exemption; creating an exemption from public-meetings requirements for any portion of a meeting at which a trade secret is discussed; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 815.045, F.S., relating to trade secret information; providing an effective date.

By the Committees on Ways and Means; Judiciary; Regulated Industries; and Senator Jones—

CS for CS for CS for SB 1174—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of local law enforcement agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; providing for a local supplemental tax; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a fee; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; authorizing additional positions and providing appropriations; providing effective dates.

By the Committee on Health Care; and Senator Campbell—

CS for SB 1180—A bill to be entitled An act relating to the Board of Medicine; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Posey—

CS for SB 1196—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; providing an additional duty of the Administrative Procedures Committee; revising the contents of a report by the committee to the Legislature; amending s. 120.542, F.S.; revising procedure with respect to the provision of copies of a petition requesting a variance or waiver from an agency rule and an order granting or denying the petition; including the committee as a recipient of a

specified report; amending s. 120.545, F.S.; revising provisions with respect to committee recommendations upon objection by the committee to a proposed or existing rule, or portion thereof, and failure by the subject agency to initiate administrative action or to proceed to complete such action; revising provisions with respect to preparation of bills by the committee for introduction in the Legislature; requiring the committee to undertake a study of its authority and legislative oversight function; requiring a report; providing an effective date.

By the Committees on Health and Human Services Appropriations; Transportation; and Senators Saunders, Fasano and Constantine—

CS for CS for SB 1264—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

By the Committees on Community Affairs; Communications and Public Utilities; Government Efficiency Appropriations; and Senators Haridopolos, Constantine and Dockery—

CS for CS for SB's 1296 and CS for SB 2066—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the Department of Revenue to establish a toll-free telephone number for the purpose of verifying registration numbers and resale certificates; requiring the department to establish a system for receiving information from dealers regarding certificate numbers; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing taxes distributed to a local government under s. 202.18, F.S., to be used for public purposes; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to a refund of certain fees or charges under certain circumstances; providing a savings clause for emergency rules adopted before the effective dates of the act; providing effective dates.

By the Committees on Health and Human Services Appropriations; Judiciary; Children and Families; and Senators Rich, Lynn, Dawson, Smith, Wilson, Campbell and Bullard—

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not

required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to determine the effect the appointment of a guardian ad litem has on the ability of young adults who were formerly in the foster care system; providing for issues to be studied; requiring that a report be prepared and presented to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

By the Committees on Health and Human Services Appropriations; Judiciary; Children and Families; and Senators Rich, Lynn, Dawson, Smith, Wilson, Campbell and Bullard—

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to determine the effect the appointment of a guardian ad litem has on the ability of young adults who were formerly in the foster care system; providing for issues to be studied; requiring that a report be prepared and presented to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

By the Committees on Commerce and Consumer Services; Regulated Industries; and Senator Geller—

CS for CS for SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term "person" for purposes of the act; redefining the term "stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; requiring that an application for historic designation be submitted within a specified period of time; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; per-

mitting smoking upon a stage as part of a theatrical production; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 1470—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Garcia—

CS for CS for SB 1478—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public-records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public-records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public-meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 1480—A bill to be entitled An act relating to insurance; amending s. 626.916, F.S.; providing that the Office of Insurance Regulation may by order declare classes of insurance eligible for export; providing that such an order continues in effect until vacated or modified; amending s. 626.938, F.S.; providing that an insured's representative may file independently procured coverage with the service office and remit taxes and fees; amending s. 628.511, F.S.; revising the definitions of the terms "clearing corporation" and "custodian"; deleting definitions of the terms "book entry system" and "member bank" and making conforming changes; amending s. 943.135, F.S.; revising the presumption

of disability for purposes of workers compensation and establishing tobacco-use standards; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Miller—

CS for SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for appropriation; providing effective dates.

By the Committees on Government Efficiency Appropriations; Community Affairs; Commerce and Consumer Services; and Senators Dockery, Baker and Haridopolos—

CS for CS for CS for SB 1598—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.00755, F.S.; authorizing Columbia County or Columbia County and the municipality of Lake City to apply jointly to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish an effective date of the designated enterprise zone; creating s. 290.0076, F.S.; authorizing Suwannee County or Suwannee County and the municipality of Live Oak to apply jointly to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish an effective date of the designated enterprise zone; creating s. 290.0077, F.S.; authorizing Orange County and the municipality of Apopka to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of rural enterprise zone issues and to submit a report to the Legislature; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1626—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; authorizing designation of positions within the offices of the capital collateral regional counsels as Senior Management Service Class; providing an effective date.

By the Committees on Health Care; Regulated Industries; and Senator Fasano—

CS for CS for SB 1654—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited prescription drug veterinary wholesaler; amending s. 499.01, F.S.; requiring a limited prescription

drug veterinary wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited prescription drug veterinary wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; revising permit requirements for a veterinary prescription drug wholesaler who distributes prescription drugs; establishing a permit for a limited prescription drug veterinary wholesaler; providing requirements; providing an exception; amending s. 499.0122, F.S.; redefining the term “veterinary legend drug retail establishment”; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited prescription drug veterinary wholesaler permit; amending s. 499.065, F.S.; requiring the department to inspect each limited prescription drug veterinary wholesaler establishment; authorizing the department to determine that a limited prescription drug veterinary wholesaler establishment is an imminent danger to the public; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1736—A bill to be entitled An act relating to vehicular accidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring the court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of an accident that results in death; requiring the court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring the court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; providing that victim-injury points may be assessed under certain circumstances; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Commerce and Consumer Services; and Senator King—

CS for SB 1756—A bill to be entitled An act relating to early learning; amending s. 411.01, F.S.; requiring early learning coalitions to provide parents with profiles of school readiness providers; deleting authorization for coalitions to receive subsidized child care funds for all children eligible for certain federal programs; requiring early learning coalitions to competitively solicit nondirect services; authorizing the Agency for Workforce Innovation to allow coalitions to pay a rate differential to providers under certain circumstances; revising eligibility criteria and priorities for participation in school readiness programs; conforming provisions; creating s. 411.0101, F.S.; authorizing early learning coalitions to establish school-age readiness services under certain circumstances; providing requirements for these services; establishing eligibility criteria and priorities for participation in school-age readiness services; limiting the use of school readiness funds for school-age readiness services; transferring, renumbering, and amending s. 402.3145, F.S.; revising requirements for transportation services in school readiness programs; conforming provisions; authorizing contracts; deleting obsolete references to a repealed program; transferring, renumbering, and amending s. 402.3017, F.S.; providing requirements for school readiness quality initiatives; revising requirements for the Teacher Education and Compensation Helps scholarship program; establishing requirements for the Home Instruction for Parents of Preschool Youngsters Program; transferring, renumbering, and amending s. 409.178, F.S.; revising requirements for the Child Care Executive Partnership Program; deleting a short title and legislative intent; revising requirements for family income; deleting obsolete references to a repealed program; requiring the Agency for Workforce Innovation to provide for staff; revising provisions for the administration of purchasing pools; providing for the adoption of rules; amending s. 411.0105, F.S.; revising federal lead agency responsibilities; requiring a contract; transferring, renumbering, and amending s. 402.27, F.S.; revising provisions for the statewide resource and referral network; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising definitions for purposes of child care market rate reimbursement; revising requirements for calculating the market rate and prevailing market rate; requiring the adoption of

a prevailing market-rate schedule; transferring, renumbering, and amending s. 402.3018, F.S.; providing for technical assistance to child care and early learning providers; conforming provisions; transferring, renumbering, and amending s. 402.25, F.S.; revising requirements for activities to foster brain development in infants and toddlers in certain state-funded programs; conforming provisions; amending s. 411.011, F.S., conforming a cross-reference; transferring, renumbering, and amending s. 402.3016, F.S.; revising provisions for Early Head Start collaboration grants; providing an effective date.

By the Committees on Health Care; Education; and Senator Crist—

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term “psychotropic medication”; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student’s parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Judiciary; and Senator Campbell—

CS for CS for SB 1810—A bill to be entitled An act relating to public records exemptions; creating s. 744.1076, F.S.; creating exemptions from public records requirements for certain court records relating to appointment of certain court monitors, reports of such monitors, and determinations and orders of a court relating to findings of no probable cause; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

By the Committee on Regulated Industries; and Senator Argenziano—

CS for SB 1830—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Smith—

CS for SB 1866—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.803, F.S.; revising the membership of the Boating Advisory Council; increasing the terms of office of members appointed by the Governor and limiting the number of consecutive terms they may serve; adding issues upon which the council makes recommendations to the commission and the Department of Community Affairs; authorizing reimbursement of expenses for members of the council; providing for the filling of vacancies; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the commission to a firm or corporation; revising a provision barring transfer of a saltwater products license; revising a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing stone crab trap certificate transfer fees; reducing surcharge fees; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform; providing an effective date.

By the Committees on Criminal Justice; Judiciary; and Senators Webster, Haridopolos and Lynn—

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term “wrongfully incarcerated person”; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

By the Committee on Ethics and Elections; and Senator Posey—

CS for SCR 2024—A concurrent resolution providing that Joint Rule 1 of the Joint Rules of the Legislature, relating to legislative lobbying, is superseded by the provisions of Committee Substitute for Senate Bill 2646 to the extent that such Joint Rule conflicts with or is inconsistent with the provisions of Committee Substitute for Senate Bill 2646, as enacted by the Legislature; authorizing technical and stylistic changes to conform the Joint Rules of the Legislature; providing for publication in the journals of the respective houses of the Legislature.

By the Committee on Regulated Industries; and Senator Campbell—

CS for SB 2062—A bill to be entitled An act relating to community associations; creating s. 718.1265, F.S.; authorizing a condominium association board to exercise specified emergency powers during an emergency; providing limitations; amending s. 718.112, F.S.; providing for a condominium association to establish casualty reserve accounts; extending a period in which condominium common areas do not have to be retrofitted with sprinkler systems; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

By the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; Communications and Public Utilities; and Senators Constantine and Clary—

CS for CS for CS for SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms “broadband service” and “VoIP”; redefining the term “service”; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to \$500 from \$250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to \$1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103,

F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

By the Committees on General Government Appropriations; Communications and Public Utilities; and Senators Constantine, Bennett, Campbell, Baker, King, Alexander, Crist, Wise, Posey, Rich, Villalobos, Hill, Haridopolos, Dawson and Bullard—

CS for CS for SB's 2072 and 1714—A bill to be entitled An act relating to local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

By the Committees on Education Appropriations; Education; and Senators Lynn, Sebesta, Baker, Haridopolos, Peaden and Bennett—

CS for CS for SJR 2090—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to amend the class-size requirements for students in grades prekindergarten through 12 and to prescribe minimum salary standards for public school teachers, and the creation of Section 26 of Article XII of the State Constitution to prescribe a schedule for such amendment.

By the Committee on Education; and Senator Atwater—

CS for SB 2120—A bill to be entitled An act relating to the Opportunity Scholarship Program; amending s. 1002.38, F.S.; changing the deadline by which a parent must notify the Department of Education of the student's acceptance into an eligible private school from July 1 to August 1 of the first year in which the student intends to use the Opportunity Scholarship Program; providing an effective date.

By the Committee on Education; and Senators Wise, Dawson, Posey and Dockery—

CS for SB 2190—A bill to be entitled An act relating to education; amending ss. 11.45, 1000.04, 1001.42, 1002.20, 1002.23, 1002.37,

1003.02, 1003.03, 1003.52, 1007.27, and 1011.61, F.S.; providing for application of provisions relating to the Florida Virtual School to approved school district franchises of the school; requiring district school boards to adopt procedures for notifying parents and students when the student has met certain graduation requirements; providing an effective date.

By the Committee on Health Care; and Senator Atwater—

CS for SB 2230—A bill to be entitled An act relating to dentistry; amending s. 466.002, F.S.; exempting certain dental instructors from the requirements of ch. 466, F.S., relating to dentistry, dental hygiene, and dental laboratories; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; revising requirements for appointment to the Council on Dental Hygiene; revising meeting times for the council; revising requirements for the council's rule and policy recommendations; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Wise—

CS for SB 2256—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

By the Committees on Criminal Justice; Banking and Insurance; and Senator Alexander—

CS for CS for SB 2330—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; prohibiting a medical or clinic director from referring patients to the clinic under specified circumstances; providing for health care clinics to post signs with information about a reward program for information leading to conviction of certain offenses; providing for inspections of such clinics by employees of the Division of Insurance Fraud; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; deleting provisions relating to a prohibition against employers participating in creation of employment relationships based on false, fraudulent, or misleading information; deleting provisions relating to presentation of false, fraudulent, or misleading information to obtain employment or workers' compensation benefits; amending s. 448.09, F.S.; prohibiting presentation of certain false, fraudulent, or misleading information for the purpose of obtaining employment; providing penalties; revising penalties for unauthorized employment of aliens; amending s. 624.15, F.S.; providing criminal penalties for violations of emergency rules or orders of the Department of Financial Services, Office of Insurance Regulation, or the Financial Services Commission; amending s. 624.155, F.S.; revising provisions that authorize a civil cause of action for violations of the requirement for a certificate of authority to act as an insurer; amending s. 626.112, F.S.; providing criminal penalties for transacting insurance or engaging in insurance activities without a license; amending s. 626.901, F.S.; stating that independently procured coverage constitutes an exception to the prohibition on representing an unauthorized entity only when transacted outside the state; amending s. 626.918, F.S.; providing that certain letters of credit issued or confirmed by a qualified United States financial institution may be used to fund a trust established and maintained by an alien insurer for the protection of policyholders in the United States; defining the term "qualified United States financial institution"; amending s. 626.938, F.S.; providing that independently procured coverage must be accomplished outside the state, must be procured through an unauthorized insurer licensed in some other state or country, and is

not available for life, health, or workers' compensation insurance; amending s. 626.989, F.S.; allowing insurers, agents, and other licensees, their employees, and self-insured entities contracting or associated with the National Insurance Crime Bureau to report fraudulent insurance acts; authorizing adoption of rules for reporting suspected fraudulent activity; amending s. 817.234, F.S.; providing that it is insurance fraud for a service provider to agree or intend to waive deductibles; providing criminal penalties for scheming to create documentation of a nonexistent motor vehicle accident; amending s. 817.2361, F.S.; providing criminal penalties for creating, marketing, or presenting any false or fraudulent proof of motor vehicle insurance; amending s. 817.50, F.S.; providing that giving false or fictitious information to a health care provider is not prima facie evidence of intent to defraud when done by a law enforcement officer during an investigation; amending s. 817.505, F.S.; providing criminal penalties for soliciting or receiving compensation or receiving a split-fee arrangement for acceptance or acknowledgment of treatment from a health care provider or health care facility; redefining the term "health care provider or health care facility"; amending s. 843.08, F.S.; providing criminal penalties for falsely personating an officer of the Department of Financial Services; creating s. 626.9893, F.S.; authorizing the Division of Insurance Fraud of the Department of Financial Services to deposit proceeds from dispositions of liens and forfeited property seized by the division into the Insurance Regulatory Trust Fund; providing that balances of moneys deposited by the division into the Insurance Regulatory Trust Fund remain in the fund for use by the division; amending s. 932.7055, F.S.; providing that the unappropriated balance of moneys deposited by the division shall not be transferred to the General Revenue Fund; providing severability; providing an effective date.

By the Committee on Criminal Justice; and Senator Bennett—

CS for SB 2332—A bill to be entitled An act relating to fraud; amending s. 775.0844, F.S.; redefining "white collar crime" to include Medicaid provider fraud; providing a minimum mandatory term of imprisonment for committing an aggravated white collar crime involving Medicaid provider fraud; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Haridopolos—

CS for SB 2344—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public-meetings exemption for Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public-meetings exemption for probable cause panel meetings of the board; creating a public-records exemption for records of exempt probable cause panel meetings for a time certain; creating a public-records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing an effective date.

By the Committees on Criminal Justice; Banking and Insurance; Regulated Industries; and Senator Haridopolos—

CS for CS for CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing

for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; removing provision granting rulemaking authority to the Board of Funeral and Cemetery Services relating to certain written agreements being a prerequisite for qualification of a provider of training or continuing education regarding funeral and cemetery service licensure; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion

of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; authorizing the anatomical board of this state to provide for the final disposition of human remains delivered to the board as the board determines to be adequate and proper; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Haridopolos, Wise, Peaden, Argenziano, Lynn, Fasano, Dockery, Sebesta, Baker, Bennett, Constantine, Atwater, Campbell, Saunders, Posey, Webster, Diaz de la Portilla, King, Alexander, Jones, Crist and Lawson—

CS for SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 2360—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sebesta—

CS for SB 2398—A bill to be entitled An act relating to building designations; designating the H. William Heller Hall at the University

of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; providing effective dates.

By the Committee on Transportation; and Senator Lynn—

CS for SB 2488—A bill to be entitled An act relating to contracts of the Department of Transportation; creating s. 337.183, F.S.; creating dispute review boards to hear claims arising out of department construction contracts and recommend resolutions prior to submitting claims to arbitration; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Haridopolos—

CS for SB 2546—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission of African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; amending s. 20.19, F.S.; deleting provisions relating to planning by the Department of Children and Family Services; deleting provisions relating to planning in service districts of the department; repealing s. 20.316(4)(e), (f), and (g), F.S.; deleting provisions relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.001, F.S.; revising provisions relating to planning by the Department of Children and Family Services; repealing s. 39.4086, F.S.; deleting provisions relating to research and a report by the State Courts Administrator on a guardian ad litem pilot program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; repealing s. 106.22(10), F.S.; deleting a provision relating to a report by the Division of Elections; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term Care Plan; amending s. 120.60, F.S.; deleting a provision relating to filing of notice and certification of an agency's intent to grant or deny a license; amending s. 120.695, F.S.; deleting obsolete provisions relating to agency review of rules; amending s. 120.74, F.S.; deleting provisions relating to an agency report of review and revision of rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent on privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to a review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S.; deleting a requirement of a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending s. 186.022, F.S.; deleting a reference to the Criminal and Juvenile Justice Information Systems Council; amending ss. 189.4035, 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement of a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054,

F.S., relating to monitoring and reporting on persons claiming tax exemptions; amending s. 216.011, F.S.; redefining the term "long-range program plan"; amending s. 216.013, F.S.; revising requirements with respect to long-range program plans; repealing s. 216.1825, F.S., relating to zero-based budgeting; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to Cross Florida Barge Canal structures; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 265.56, F.S., relating to an annual report by the Department of State; repealing s. 267.074(4), F.S.; deleting provisions relating to a plan for the State Historical Marker Program; repealing s. 282.102(28), F.S.; deleting a requirement for a report by the State Technology Office; repealing s. 284.50(3), F.S.; deleting a requirement for a report by the Interagency Advisory Council on Loss Prevention and department heads; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S.; deleting a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S.; deleting a requirement for a report by the rules ombudsman in the Executive Office of the Governor; repealing s. 288.8175(8), (10), and (11), F.S.; deleting certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S.; deleting the requirement of a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement of a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.04, F.S.; deleting provisions relating to a survey by the Florida Commission on Veterans' Affairs; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16, 296.29, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S.; deleting provisions relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; amending s. 322.181, F.S.; revising provisions relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S.; deleting provisions relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing s. 365.172(6)(d), F.S.; deleting provisions relating to a study by the board of directors of the Wireless 911 Board; repealing s. 366.82(4), F.S.; deleting a provision relating to reports by utilities to the Public Service Commission; repealing s. 370.26(8), F.S.; deleting a duty of the Fish and Wildlife Conservation Commission relating to an aquaculture plan; amending s. 372.5712, F.S.; revising provisions relating to a report by the commission on waterfowl permit revenues; amending s. 372.5715, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to environmental education; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the secretary of the Department of Environmental Protection; amending s. 373.1963, F.S.; deleting an obsolete provision relating to an agreement between the West Coast Regional Water Supply Authority and the Southwest Florida Water Management District; repealing s. 376.121(14), F.S.; deleting a provision relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S.; deleting provisions relating to a report on preapproved advanced cleanup; amending s. 377.703, F.S.; deleting a requirement for a report from the Public Service Commission on electricity, natural gas, and energy conservation; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 381.0011(3), F.S.; deleting provisions relating to an inclusion in the

Department of Health's strategic plan; repealing s. 381.0066, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; repealing s. 381.90(7)(a), F.S.; deleting provisions relating to the Health Information Systems Council's duty to develop a strategic plan; repealing s. 394.4573(4), F.S.; deleting the requirement for a report by the Department of Children and Family Services on state mental health facility staffing; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; amending s. 394.75, F.S.; revising provisions relating to reports by the department on substance abuse and mental health plans; repealing s. 394.82, F.S., relating to funding of expanded community mental health services; amending s. 394.9082, F.S.; deleting obsolete provisions relating to an amendment to the master state plan on behavioral health services and to provision of status reports; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 397.321(1) and (20), F.S.; deleting a requirement that the Department of Children and Family Services develop a plan for substance abuse services; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S.; deleting provisions relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; amending s. 400.0067, F.S.; revising requirements relating to a report by the State Long-Term Care Ombudsman Council; repealing s. 400.0075(3), F.S.; deleting a provision relating to such report; amending s. 400.0089, F.S.; revising requirements relating to a report by the Department of Elderly Affairs and transferring responsibility for the report to the council; repealing s. 400.148(2), F.S.; deleting a provision relating to a pilot program of the Agency for Health Care Administration on a quality-of-care contract management program; amending s. 400.407, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; amending s. 400.419, F.S.; requiring a specified report to be distributed to the Agency for Persons with Disabilities; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; revising agencies that may review the agency's plan; amending s. 402.73, F.S.; deleting provisions relating to a report by the Department of Children and Family Services on competitive procurement of client services; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 403.756, F.S., relating to a report on oil recycling; amending s. 403.7895, F.S.; deleting provisions relating to a hazardous waste needs and capacity study; repealing s. 406.02(4)(a), F.S.; deleting a requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S.; deleting provisions requiring the Agency for Health Care Administration to submit a plan on comprehensive health and human services eligibility access to the Governor; amending s. 408.915(3)(i), F.S.; deleting provisions requiring periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.146, F.S., relating to the children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1), F.S.; deleting provisions relating to reports concerning residential group care services; repealing s. 409.221(4)(k), F.S.; deleting provisions relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; amending s. 409.2567, F.S.; deleting provisions relating to a report by the Department of Revenue on collection of assistance from noncustodial parents; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.9065, F.S.; deleting a provision relating to a report by the Agency for Health Care Administration on the pharmaceutical expense assistance program; amending s. 409.91188, F.S.; deleting a requirement that the Agency for Health Care Administration monitor and report on a waiver program for specialty prepaid health plans; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the

disabled adult population; repealing s. 410.604(10), F.S.; deleting a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; repealing s. 413.402(8), F.S.; deleting a provision relating to a plan by the Association of Centers for Independent Living on a personal care attendant program; repealing s. 414.1251(3), F.S.; deleting a provision relating to an electronic data transfer system for the learnfare program; amending s. 414.14, F.S.; deleting a provision relating to a report by the secretary of the Department of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S.; deleting a provision relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S.; deleting provisions relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 415.111, F.S.; deleting the requirement for a report by the Department of Children and Family Services on exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S.; deleting a requirement for a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 430.707, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on contracts with managed care organizations; amending s. 445.003, F.S.; revising requirements relating to a report by Workforce Florida, Inc., on the Incumbent Worker Training Program; amending s. 445.004, F.S.; deleting provisions relating to appointment of members to Workforce Florida, Inc.; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 446.27, F.S., relating to a report by the former Department of Labor and Employment Security; amending s. 446.50, F.S.; deleting provisions relating to a state plan for displaced homemakers; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S.; deleting a requirement for a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S.; deleting a requirement for reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.031(5), F.S.; deleting provisions relating to reports by professional boards about instruction on domestic violence; repealing s. 456.033(8), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; repealing s. 456.034(6), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 526.3135, F.S., relating to reports by the Division of Standards; repealing s. 531.415(3), F.S.; deleting the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 553.975, F.S., relating to a report to the Governor and Legislature by the Public Service Commission; repealing s. 570.0705(3), F.S.; deleting the requirement of a report by the Commissioner of Agriculture about advisory committees; repealing s. 570.0725(5), F.S.; deleting provisions relating to a report by the Department of Agriculture and Consumer Services about supporting food recovery programs; repealing s. 570.235(3), F.S.; deleting a requirement for a report by the pest Exclusion Advisory Committee; repealing s. 570.543(3), F.S.; deleting provisions relating to legislative recommendations of the Florida Consumers' Council; repealing s. 570.952(5), F.S.; deleting provisions relating to a recommendation of the Commissioner of Agriculture concerning the Florida Agriculture Center and Horse Park Authority; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 644.7021, F.S.; revising provisions relating to reports by the executive director of the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; repealing s. 765.5215(3), F.S.; deleting a requirement for a report by the Agency for Health Care Administration about organ donation; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports about "SLAPP"

lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice about certain juvenile offenses that involve weapons; repealing s. 943.08(3), F.S.; deleting provisions relating to planning by the Criminal and Juvenile Justice Information Systems Council; repealing s. 943.125(2), F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association about law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement about transportation and protective services; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports about education of state prisoners; repealing s. 945.35(10), F.S.; deleting a requirement for a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 948.10(8)(d), F.S.; deleting a requirement for a report by the Department of Corrections about placement of ineligible offenders on community control; repealing s. 948.045(9), F.S.; deleting provisions relating to a report by the department about youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S.; deleting the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.08, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.3045, F.S.; deleting provisions relating to a report by the prevention services program; repealing s. 985.3046, F.S., relating to agencies and entities providing prevention services; repealing s. 985.305(5), F.S.; deleting provisions relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.309, F.S.; deleting provisions relating to a report concerning a boot camp for children; amending s. 985.31, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.311, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders under 13 years of age; amending s. 985.3155, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; repealing s. 985.412(7), F.S.; deleting provisions relating to a report by the Department of Juvenile Justice on quality assurance in contractual procurements; repealing s. 1003.492(4), F.S.; deleting provisions relating to a study about industry-certified career education programs; repealing s. 1006.0605, F.S., relating to students' summer nutrition; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; repealing s. 1011.4105(5), F.S.; deleting provisions relating to a plan concerning transition to the university accounting system; repealing s. 1013.03(13), F.S.; deleting an obsolete provision relating to the Department of Education's duty to review school construction requirements; amending ss. 370.12, 372.672, 409.91196, 411.01, 411.232, 641.386, F.S., conforming cross-references to changes made by the act; amending ss. 20.165, 455.01, 455.017, and 455.217, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans and programs; providing an effective date.

By the Committees on Commerce and Consumer Services; Education; and Senator Wise—

CS for CS for SB 2550—A bill to be entitled An act relating to assistive technology devices and services; creating s. 1003.575, F.S.; requiring interagency agreements to ensure that assistive technology devices be retained for use by a person with disabilities as he or she makes certain transitions; providing an effective date.

By the Committee on Judiciary; and Senators Webster, King and Clary—

CS for SB 2564—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary

relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; providing an effective date.

By the Committee on Judiciary; and Senators Webster and Clary—

CS for SB 2568—A bill to be entitled An act relating to liability for products; creating s. 768.1259, F.S.; defining terms; providing that a seller of a product manufactured in the United States may be dismissed from an action for strict liability for harm caused by a product; providing exceptions; providing procedures related to dismissal; requiring an affidavit to accompany a motion to dismiss; prescribing the contents of the affidavit; providing for discovery and a hearing on the motion to dismiss; providing conditions under which a seller may be held liable as a manufacturer; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senators Jones and Bennett—

CS for CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2620—A bill to be entitled An act relating to seaports; requiring the Department of Law Enforcement to develop a program to survey the underwater areas of certain deepwater seaports; designating certain deepwater seaports; providing an appropriation; providing an effective date.

By the Committee on Health Care; and Senator Posey—

CS for SB 2636—A bill to be entitled An act relating to Medicaid reimbursement to nursing homes; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to establish a Nursing Home Voluntary Competitive Bid Pilot Program for certain nursing homes in two counties for a specified period; permitting licensed nursing homes to bid on rates for Medicaid certified beds under certain circumstances; requiring the agency to provide a list of approved bidders to social service providers; requiring the agency to evaluate the pilot program by a specified time; requiring a report to the Governor and Legislature; providing an effective date.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce and Consumer Services recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

For Term
Ending

Board of Directors, Enterprise Florida, Inc.
Appointees: Frederick W. Leonhardt
Julie K. Hilton

07/01/2008
07/01/2007

Office and Appointment

For Term
Ending

Susan N. Story

07/01/2007

The Committee on Criminal Justice recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment

For Term
Ending

Parole Commission

Appointee: Tena M. Pate

06/30/2010

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

For Term
Ending

State Board of Education

Appointees: Donna G. Callaway
Phoebe H. Raulerson
Roberto Martinez

12/31/2005
12/31/2008
12/31/2008

Board of Trustees, University of Central Florida

Appointee: Conrad Santiago

01/06/2010

Board of Trustees, New College of Florida

Appointees: Jane T. Smiley
Warren P. Hudson

01/06/2010
01/06/2010

Board of Trustees, University of North Florida

Appointee: Edythe M. Abdullah

01/06/2010

The Committee on Environmental Preservation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

For Term
Ending

Environmental Regulation Commission

Appointees: Donald H. Ross
Kenneth W. Wright
Tracy Duda Chapman

07/01/2007
07/01/2007
07/01/2007

Governing Board of the Southwest Florida Water
Management District

Appointees: Heidi B. McCree
Patsy C. Symons
Thomas G. Dabney, II

03/01/2008
03/01/2008
03/01/2008

Governing Board of the Suwannee River Water
Management District

Appointee: Kelby E. Andrews

03/01/2008

The Committee on Health Care recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment

For Term
Ending

Secretary of Elderly Affairs

Appointee: Carole A. Green

Pleasure of
Governor

[The appointments contained in the forgoing report were referred to the Committee on Ethics and Elections under the original reference.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1141, HB 1283, HB 1525 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative M. Davis and others—

HB 1141—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as the “Florida Greenways and Trails Act”; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

—was referred to the Committees on Environmental Preservation; Transportation; and General Government Appropriations.

By Representative Galvano and others—

HB 1283—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney’s fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.13016, F.S.; providing for suspension of a driver’s license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the

court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers’ compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference and reenacting s. 61.30(8), F.S., relating to child support guidelines for health insurance costs and other medical expenses of a child, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child’s birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; prohibiting fines and sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S.; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet in compliance with certain requirements; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the

same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining "noncovered medical expenses"; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual refuses services after notice; providing an application fee for child support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the clerks of the circuit court, chief judges through the Office of the State Courts Administrator, sheriffs, Office of the Attorney General, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to

cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

—was referred to the Committees on Children and Families; Judiciary; and General Government Appropriations.

By Representative Lopez-Cantera and others—

HB 1525—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting provisions relating to implementation plans to integrate certain functions of the Agency for Health Care Administration; providing for development of uniform case management standards within the Aged and Disabled Adult Medicaid waiver program; authorizing, rather than requiring, coordination of acute and chronic medical service between the agency and the Department of Elderly Affairs to be included in the capitated rate for case management services; requiring the agency to consult with the department before adopting rules relating to reimbursement of providers and case management standards; revising provisions relating to certain reimbursement rates; deleting obsolete provisions; providing that evaluation of a specified pilot project relating to elder care is subject to an appropriation; amending s. 430.7031, F.S.; deleting provision that requires the department and agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; providing definitions; authorizing the department to make rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 300, SB 450, CS for CS for SB 492, SB 868, CS for SB 938, CS for SB 940, CS for SB 1368, CS for SB 1662, SB 1796, SB 1798 and SB 1980.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 1877, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 21 and 26 were corrected and approved.

CO-INTRODUCERS

Senators Atwater—CS for CS for SB 1996; Baker—CS for CS for SB 1996; Bennett—CS for CS for SB 1996; Bullard—SB 1724; Campbell—CS for CS for SB 1216; Clary—SB 1658; Crist—CS for CS for SB 1216, CS for CS for SB 1914; Fasano—SB 1800; Haridopolos—CS for CS for SB 1996; Jones—SB 1658; Lawson—CS for SB 2348; Lynn—CS for CS for SB 1996, CS for SB 2006, SB 2340; Miller—CS for CS for SB 1216, CS for SB 1922; Posey—CS for CS for SB 1996; Sebesta—CS for CS for SB 1996; Smith—CS for CS for SB 1216; Wilson—CS for SB 1568, SB 670; Wise—CS for CS for SB 1996

RECESS

On motion by Senator Pruitt, the Senate recessed at 5:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:30 a.m., Thursday, April 28 or upon call of the President.

BILL ACTION SUMMARY**WEDNESDAY, APRIL 27, 2005**

S 102	Read second time; Substituted HB 401; Laid on Table, refer to HB 401	S 1192	Withdrawn from further consideration
S 124	Read second time	S 1240	Substituted HB 623; Laid on Table, refer to HB 623
S 192	Read second time	S 1262	Substituted HB 775; Laid on Table, refer to HB 775
S 202	Read second time	S 1268	Substituted HB 1673; Laid on Table, refer to HB 1673
S 216	Read second time	S 1276	Adopted
S 274	Substituted HB 577; Laid on Table, refer to HB 577	S 1300	Read second time
S 276	Read second time	S 1308	Read second time
S 288	Read second time	S 1324	Substituted HB 569; Laid on Table, refer to HB 569
S 334	Read third time; CS passed as amended 39-0	S 1360	Read second time
S 348	Read third time; CS passed as amended 40-0	S 1366	Read second time
S 468	Substituted HB 19; Laid on Table, refer to HB 19	S 1448	Read second time
S 480	Withdrawn from further consideration	S 1502	Read second time
S 484	Read second time	S 1526	Read second time
S 498	Read second time	S 1576	Substituted HB 1029; Laid on Table, refer to HB 1029
S 510	Read second time	S 1602	Read second time
S 514	Read second time	S 1650	Read second time
S 518	Read second time	S 1690	Adopted
S 530	Read second time	S 1748	Read second time
S 550	Read second time	S 1784	Read second time
S 574	Read third time; Passed 40-0	S 1808	Read second time; Substituted HB 977; Laid on Table, refer to HB 977
S 620	Read second time	S 1872	Read second time
S 628	Adopted	S 1884	Read second time
S 658	Read second time	S 1908	Read third time; Substituted HB 1659; Laid on Table, refer to HB 1659
S 662	Read second time	S 1910	Read second time; Read third time; CS passed 38-0; immediately certified
S 674	Withdrawn from further consideration	S 1914	Read second time
S 680	Substituted HB 1923; Laid on Table, refer to HB 1923	S 1920	Read second time; Substituted HB 1001; Laid on Table, refer to HB 1001
S 682	Withdrawn from further consideration	S 1992	Withdrawn from further consideration
S 684	Withdrawn from further consideration	S 2006	Read second time
S 720	Read second time	S 2038	Withdrawn from further consideration
S 726	Read second time; Substituted HB 1699; Laid on Table, refer to HB 1699	S 2052	Withdrawn from further consideration
S 752	Read second time	S 2216	Substituted HB 1483; Laid on Table, refer to HB 1483
S 758	Read second time	S 2218	Withdrawn from further consideration
S 768	Read second time	S 2220	Substituted HB 1695; Laid on Table, refer to HB 1695
S 790	Withdrawn from further consideration	S 2268	Read second time
S 816	Substituted HB 205; Laid on Table, refer to HB 205	S 2278	Read second time
S 822	Read second time	S 2364	Read second time
S 864	Read third time; CS passed as amended 38-0	S 2412	Read second time
S 874	Read second time	S 2414	Withdrawn from further consideration
S 890	Read second time; Substituted HB 279; Laid on Table, refer to HB 279	S 2460	Read second time; Substituted HB 1389; Laid on Table, refer to HB 1389
S 896	Substituted HB 1729; Laid on Table, refer to HB 1729	S 2462	Substituted HB 727; Laid on Table, refer to HB 727
S 898	Substituted HB 255; Laid on Table, refer to HB 255	S 2686	Adopted
S 926	Read second time	S 2730	Adopted
S 976	Read second time	S 2756	Adopted
S 1026	Read second time	H 19	Substituted for SB 468; Read second time
S 1056	Read third time; CS passed as amended 40-0	H 77	Read third time; Passed as amended 39-0
S 1116	Withdrawn from further consideration	H 205	Substituted for CS for SB 816; Read second time
S 1154	Read second time	H 255	Substituted for CS for SB 898; Read second time
S 1168	Read third time; CS passed as amended 40-0	H 279	Substituted for CS for SB 890; Read second time
		H 401	Substituted for SB 102; Read second time
		H 569	Substituted for CS for SB 1324; Read second time; Read third time; Passed 40-0
		H 577	Substituted for CS for SB 274; Read second time
		H 623	Substituted for SB 1240; Read second time; Read third time; Passed 38-0
		H 727	Substituted for CS for CS for SB 2462; Read second time; Read third time; Passed 40-0
		H 775	Substituted for CS for SB 1262; Read second time
		H 977	Substituted for CS for SB 1808; Read second time
		H 1001	Substituted for CS for SB 1920; Read second time
		H 1029	Substituted for CS for SB 1576; Read second time
		H 1389	Substituted for SB 2460; Read second time
		H 1483	Substituted for CS for SB 2216; Read second time
		H 1659	Substituted for CS for SB 1908; Read second time; Read third time
		H 1673	Substituted for CS for SB 1268; Read second time
		H 1695	Substituted for CS for SB 2220; Read second time
		H 1699	Substituted for SB 726; Read second time
		H 1729	Substituted for CS for SB 896; Read second time
		H 1861	Read third time; Passed 40-0
		H 1923	Substituted for CS for SB 680; Read second time

JOURNAL OF THE SENATE

Daily Indices for April 27, 2005

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BP — Bill Passed
CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

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